

change or relocation of any tracks of any railroad corporation or receivers of any railroad in such way as to better serve the public interest, said Railroad Commission shall set down such application for a hearing after giving ten days notice to such railroad corporation or receivers of any railroad whose tracks are sought to be changed or relocated, and after such a hearing, may make its order directing such change or relocation if in the opinion of the Railroad Commission such change or relocation would be to the best interest of all parties concerned. Provided that no application to alter, change or relocate railway tracks, as contemplated by this section, shall be determined upon by the governing legislative authority of such city until thirty days after publication of the proposed change or relocation of said railway tracks shall have been made in the official newspaper of the said city.

Sec. 7. The near approach of the end of the present session and the fact that the rapidly expanding growth of many of our large cities in this State make it necessary and desirable for the public benefit and the public safety to change, relocate and abandon portions of the lines and tracks of railroad corporations or receivers of any railroad within such cities and adjacent thereto, and the fact that some doubt has arisen as to the authority of the Railroad Commission of this State to permit such changes, relocations and abandonments, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended. And it is further enacted that this law take effect from and after its passage.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,

Saturday, March 23, 1918.

The Senate met at 9:55 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, no quorum being present, the following Senators answering to their names:

Bee.	Hall.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	Lattimore.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Westbrook.

Absent.

Alderdice.	Robbins.
Bailey.	Strickland.
Clark.	Suiter.
Faust.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.

Senator McNealus moved that the Senate stand adjourned until 10 o'clock tomorrow morning.

The motion was lost by the following vote:

Yeas—2

Caldwell.	McNealus.
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Nays—16.

Bee.	Hall.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Collins.	Johnston of Harris.
Dean.	Lattimore.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Westbrook.

Absent.

Alderdice.	Robbins.
Bailey.	Strickland.
Clark.	Suiter.
Faust.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.

Call of the Senate.

There being no quorum present, Senator Collins moved a call of the Senate for the purpose of obtaining and maintaining a quorum.

The motion being duly seconded, the Chair directed the roll of the absentees called, the following Senators being absent:

Absent—11.

Clark.	Robbins.
Dayton.	Smith.
Faust.	Strickland.
Henderson.	Suiter.
Hudspeth.	Woodward.
McCollum.	

The Sergeant-at-Arms was directed to close the doors of the Senate and bring in the absentees.

After a short delay, the Chair announced the arrival of Senator Strickland, which completed a quorum, the following Senators being present:

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Westbrook.
Gibson.	

Absent.

Clark.	Robbins.
Faust.	Suiter.
Henderson.	Woodward.

Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Caldwell.

Pending the making of a motion by a Senator, Senator Caldwell made the point of order that the doors of the Senate must be opened before business may be transacted.

The point of order was sustained, and the doors were ordered opened, which was accordingly done.

Excused.

On motion of the Senator from Dewit, the Senator from Comal and the Senator from Fayette were excused for today on account of important business.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Lattimore.

S. B. No. 114, A bill to be entitled "An Act regulating the taxing of all money and securities deposited with the State Treasurer, or other State official, or department where such securities belong to any person, firm, or corporation organized under the laws of the State of Texas; providing such money or securities shall be taxed at the residence of the person, the location of the firm, or the home office of the corporation owning same, and declaring an emergency."

Read first time and referred to the Committee on Commerce and Manufactures.

Simple Resolution No. 50.

Resolved, That the Senate request the House to return Senate Bill No. 108 for correction.

CALDWELL.
MCNEALUS.

The resolution was read and adopted.

House Bill No. 104—Free Conference Committee Report.

The Chair laid before the Senate the following report:

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sirs: Your Conference Committee on House Bill No. 104, hereby beg leave to submit the following report:

(1) The Committee recommends that the Senate recede from amendment No. 3, striking out after the words "or is over sixty years of age," line 28 the following words, "or has been a citizen of the United States for twenty-one years and is unable to read and write."

(2) Your Conference Committee recommends the adoption of amendment No. 1, by the Senate providing a punishment.

(3) Your Conference Committee recommends the adoption of amendment No. 2 by the Senate adding the words "of such election" after the word "judges," in line 30, page 1.

(4) Your Conference Committee recommends the adoption of amendment No. 4 by the Senate attaching the emergency clause."

LATTIMORE.

ALDERDICE.

COLLINS.

PAGE.

DEAN.

On the part of the Senate.

DUDLEY.

BRYAN.

CANALES.

BAGBY.

THOMASON of El Paso.

On the part of the House.

The foregoing report was read and, on motion of Senator Lattimore, the same was adopted by the following vote:

Yeas—19.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Henderson.	

Nays—2.

Caldwell.	Hall.
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Absent.

Bailey.	Robbins.
Page.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

Message from the House.

Hall of House of Representatives.
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

Concurred in Senate amendments to House Bills Nos. 94 and 134.

Adopted Free Conference Committee report on House Bill No. 104.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Senate Bill No. 103.

The Chair laid before the Senate on second reading:

S. B. No. 103, A bill to be entitled "An Act to amend Article 3903, Chapter 4 of the Revised Civil Statutes of 1911, of the State of Texas, and as amended by Chapter 142 of the Regular Session of the Thirty-third Legislature, and as amended by Chapter 55 of the Regular Session of the Thirty-fifth Legislature, relating to the appointment of certain officers named in Articles 3881 to 3886 of the Revised Civil Statutes, of deputies or assistants in the performance of the duties of such officers, where such assistants or deputies are necessary for the efficiency of the public service, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Collins offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 103 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act to amend Chapter 55 of the General Laws of the Regular Session of the Thirty-fifth Legislature, 1917, page 94, by adding thereto one section, better defining rights of officers to maximum salaries, and disposition of excess fees paid into certain offices, and declaring an emergency."

Senator Strickland offered the following amendment which was read and adopted:

(2) Amend Senate Bill No. 103 by adding after the word "treasury," at end of Section 1, the following: "Provided that the term 'fees of office' shall include any and every kind or character of fees, perquisites, commissions and compensation paid to an officer in his official capacity."

Senator Strickland offered the following amendment which was read and adopted:

(3) Amend the caption of Senate Bill No. 103 by adding thereto at end of present caption and just pre-

ceding the words "and declaring an emergency" the following: "defining fees of office."

The bill was read second time and passed to engrossment.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 103 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Henderson.	

Present—Not Voting.

Bailey.

Absent.

Floyd.	Woodward.
Robbins.	

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Robbins.	Woodward.
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Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

House Bill No. 52.

The Chair laid before the Senate on third reading:

H. B. No. 52, A bill to be entitled "An Act to amend Article 889, passed at the Regular Session of the Thirty-fourth Legislature, amending Chapter 6, Title 13, of the Penal Code of 1911, and which amendment relates to the closed season for killing doves and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed by the following vote:

Yeas—18.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	Lattimore.
Dean.	Page.
Decherd.	Parr.
Floyd.	Strickland.
Gibson.	Suiter.

Nays—2.

Bailey.	Hall.
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Present—Not Voting

McNealus.

Absent.

Buchanan of Bell.	Westbrook.
Robbins.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

House Bill No. 101.

The Chair laid before the Senate on third reading:

H. B. No. 101, A bill to be entitled "An Act to amend Article 7828, of the Revised Civil Statutes of Texas, 1911, providing the Governor shall appoint nine persons as public weighers in every city which receives annually 100,000 bales of cotton."

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed finally.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate to return Senate Bill No. 108 for correction, and bill herewith transmitted.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 107, A bill to be entitled "An Act to amend Article 3093 of the Revised Civil Statutes of 1911, providing that none but citizens of the United States shall vote in primary elections and conventions, and providing that the right to vote given women by any law passed at the Fourth Called Session of the Thirty-fifth Legislature is not by this Act repealed, restricted or limited, and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act to amend Articles 3086, Chapter 10, Title 49, Revised Civil Statutes of 1911, so as to provide that no candidate at a primary election for a State or district office, shall be declared the nominee of any political party unless he has complied with all the requirements of law, and received a majority of the votes cast for all candidates for such office at such primary election; providing for the holding of a second primary election and fixing the date for the holding of all second primary elections; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act to amend Article 5376, Revised Civil Statutes of 1911, and to repeal Article 5379 of the same statute, both relating to the delivery of patents, and declaring an emergency."

S. B. No. 23, A bill to be entitled "An Act to amend Section 15, Chapter 5, of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas which Act

was entitled 'An Act regulating the business of co-operative savings and contract loan companies,' so that hereafter such companies may invest their funds in mortgages which shall be a first lien on real estate located in any State of the United States of America, and further permitting such companies to invest their funds in Liberty Bonds and other certificates of indebtedness which have or may hereafter be authorized by the United States Congress; and declaring an emergency."

H. B. No. 133, A bill to be entitled "An Act to authorize the commissioners court of Bell County to fund an issue of road warrants with an issue of road improvement bonds and thereby relieve the road and bridge fund of the warrant debt; and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act to amend Section 4, Chapter 8, General Laws of the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a State Council of Defense, defining its powers and duties, making an appropriation to carry on the work of said Council of Defense and declaring an emergency,' so as to provide that no member of the Council shall ever be paid any salary or per diem for his services, except the secretary and assistant secretary, who may be members of the Council, and declaring an emergency."

S. B. No. 84, A bill to be entitled "An Act to establish and fix the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and creating an emergency."

S. B. No. 72, A bill to be entitled "An Act to amend an act to reorganize the Twenty-seventh and Thirty-fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein as passed by the Thirty-third Legislature, Chapter 61; and to fix the time for holding court in the counties of the Twenty-seventh Judicial District and to repeal all laws and parts of laws in conflict therewith."

S. B. No. 77, A bill to be entitled "An Act to make additional appropriations for the support and maintenance of the State Orphan Home for the remainder of the fiscal year ending August 31, 1918, and the fis-

cal year ending August 31, 1919, and declaring an emergency."

Senate Bill No. 80.

Senator Parr called from the table, and the Chair laid before the Senate, on second reading:

S. B. No. 80, A bill to be entitled "An Act to validate sales of school land on conditions of settlement in cases where purchasers have been, or may be, drafted into the service of the Federal Government before they had time to settle on the land, and in some cases where they did comply with the law relative to settlement, but have been, or may hereafter be forced to leave the land to make a support for themselves and for their families, or have been, or may be drafted into the service of the Federal Government before completing the required residence, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 80 put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	

Absent.

Alderdice.	Westbrook.
Robbins.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Robbins.	Woodward.
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Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

House Bill No. 93.

The Chair laid before the Senate on second reading:

H. B. No. 93, A bill to be entitled "An Act abolishing the office of Commissioner of Pensions, conferring all powers heretofore exercised by the Commissioner of Pensions under any existing laws of this State, upon the Comptroller of Public Accounts and annulling and repealing all appropriations for the Pension Department for the years 1918 and 1919, save and except the salary of the chief clerk of said department in the sum of \$1500 per annum, which said appropriation shall be available for the use of the Comptroller of Public Accounts in the administration of the pension laws of this State, repealing all laws in conflict herewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Page offered the following amendment which was read and adopted:

Amend the bill, page 1, Section 3, by adding after the period, the following: "Provided that this Act shall not become effective until January 1, 1919."

The bill was read second time and passed to its third reading.

On motion of Senator Alderdice,

the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 93 put on its third reading and final passage by the following vote:

Yeas—20.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Collins.	Lattimore.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.

Nays—1.

Caldwell.

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Alderdice, was passed finally.

House Bill No. 173.

The Chair laid before the Senate on second reading:

H. B. No. 173, A bill to be entitled "An Act changing the boundaries of Abernathy Independent School District, situated in Hale and Lubbock Counties, Texas, etc., and declaring an emergency."

The committee report was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnson of Hall, was passed to its third reading.

House Bill No. 174.

The Chair laid before the Senate on second reading:

H. B. No. 174, A bill to be entitled "An Act to establish Common School District No. 15 in Lubbock County, Texas out of and so as to include certain lands heretofore in Slaton Independent School District and Common School Districts Nos. 11 and

20 of said county, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnson of Hall, was passed to its third reading.

House Bill No. 175.

The Chair laid before the Senate on second reading:

H. B. No. 175, A bill to be entitled "An Act readjusting the common districts and county line common school districts in Lubbock County, Texas, against which outstanding bond issues are now in force, changing boundary lines of said districts, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnson of Hall, was passed to its third reading.

House Bill No. 176.

The Chair laid before the Senate on second reading:

H. B. No. 176, A bill to be entitled "An Act changing the boundaries of Lubbock Independent School District and Canyon Common School District No. 11 and New Hope Common School District No. 20 in Lubbock County, Texas, transferring to Canyon Common School District No. 11 a portion of the territory now embraced in Lubbock Independent School District and providing the Canyon Common School District No. 11 shall assume the portion of the bonded indebtedness of Lubbock Independent School District, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnson of Hall, was passed to its third reading:

House Bill No. 177.

The Chair laid before the Senate on second reading:

H. B. No. 177, A bill to be entitled "An Act changing the boundaries of

Common School Districts Nos. 3 and 14 and Slaton Independent School District in Lubbock County, Texas, and transferring a portion of the territory now embraced in Union Common School District No. 3, to Slaton Independent School District, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Johnson of Hall, was passed to its third reading.

Message from the Governor.

A messenger here appeared at the bar of the Senate with an executive message, which was laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 23, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the enactment of a law regulating the taxing of all money and securities deposited with the State Treasurer, or other State official department, where such securities belong to any person, firm or corporation organized under the laws of the State of Texas; providing such money or securities shall be taxed at the residence of the person, location of the firm, or the home office of the corporation owning same.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Simple Resolution No. 51.

(By unanimous consent.)

I move that General Adam R. Johnson of Burnet, a distinguished Confederate soldier who lost his eye sight in battle in 1864, who is in the Senate Chamber be extended the privileges of the floor and that he address the Senate.

JOHNSTON of Harris.
BEE.
McNEALUS.
CALDWELL.

The resolution was read and adopted.

The Chair appointed a committee

to escort General Johnson to the President's stand, where he was presented to the Senate by Senator Johnston of Harris and addressed the Senate briefly.

House Bill No. 149.

The Chair laid before the Senate on second reading:

H. B. No. 149, A bill to be entitled "An Act to authorize persons, associations of persons, corporations and districts to conserve the fresh waters of streams for irrigation against pollution by salt sea tides."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 149 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Bailey.	Strickland.
Robbins.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed by the following vote:

Yeas—21.

Alderdice.	Decherd.
Bee.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Henderson.
Collins.	Hopkins.
Dean.	Johnson of Hall.

Johnston of Harris, Parr.
Lattimore. Sulter.
McNealus. Westbrook.
Page.

Absent.

Bailey. Strickland.
Robbins. Woodward.

Absent—Excused.

Clark. Hudspeth.
Dayton. McCollum.
Faust. Smith.

Message from the House.

Hall of the House of Representatives
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

H. B. No. 162, A bill to be entitled
"An Act to validate charters or acts
of incorporation adopted by cities
since the enactment of Chapter 147,
page 307, of the Acts of the Regular
Session of the Thirty-third Legisla-
ture, said cities, according to the
1910 United States census, having
a population of less than five thou-
sand inhabitants, but which had at
the time of the adoption of said char-
ter or act of incorporation a popula-
tion in excess of five thousand; and
declaring an emergency," with en-
grossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair, President Pro Tem.
Decherd, had referred, after its cap-
tion had been read, the following
House bill:

H. B. No. 162, referred to the
Committee on Towns and City Cor-
porations.

House Bill No. 140—Free Conference Committee Report.

The Chair laid before the Senate
the following report:

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate,

Hon. F. O. Fuller, Speaker of the
House of Representatives.

Sirs: We, the Free Conference
Committee on House Bill No. 140,
hereby beg leave to submit the fol-
lowing report:

(1) Senate recedes from its
amendment No. 2 striking out a part
of Section 2 of the bill.

(2) House concurs in Senate
Amendment No. 1, which is as fol-
lows: By adding in Section 1, after
the word "utilities" the following:
"belonging to the State."

(3) The Free Conference Com-
mittee recommends the following
amendment:

Amend House Bill No. 140 by add-
ing after Section 2, two new sections
to read as follows: "Amend the bill
by adding two more sections to be
known as Sections 2a and 2b, and
which sections read as follows:

Section 2a. When the head of any
department of the State government
mentioned in this Act is in need of
any furniture, fixtures, machinery,
machine, typewriter or other utili-
ties, except books and stationery, he
shall make a written requisition ad-
dressed to the Superintendent of
Public Buildings and Grounds stating
his particular needs; which requis-
ition shall be kept on file by the Su-
perintendent of Public Buildings and
Grounds in his office as a permanent
record.

It shall be the duty of the Super-
intendent of Public Buildings and
Grounds to furnish suitable requis-
ition blanks to the heads of all de-
partments covered by this Act. The
Superintendent of Public Buildings
and Grounds shall keep on file in his
office a permanent record showing
the requisitions received by him from
the various departmental heads and
showing what dispositions were made
of same.

Section 2b. Provided that until
funds are appropriated for the pur-
pose of this Act to be expended here-
under, the purchases made for any
particular department shall be paid
for out of the existing appropriation
made for such department available
for such purpose, and the account for
same shall be approved by the head
of the department for which said pur-
chases were made and the Superin-

tendent of Public Buildings and Grounds.

LATTIMORE,
COLLINS,
BUCHANAN of Scurry.
SUITER,
HOPKINS.

On the part of the Senate.

COPE,
McMILLIN,
McCOMB,
NEILL,
BLACKMON.

On the part of the House.

The foregoing report was laid before the Senate, read and on motion of Senator Lattimore, the same was adopted.

(Senator Westbrook in the chair.)

House Concurrent Resolution No. 10.

Senator Buchanan of Bell called from the table and the Chair laid before the Senate:

H. C. R. No. 10, authorizing the Board of Trustees of the State Juvenile Training School to lease all necessary agricultural lands upon such terms and for such time as may be expedient.

The resolution was read and Senator McNealus offered the following amendment:

(1) Amend House Concurrent Resolution No. 10 by striking out the rental provision of a third and a fourth and substitute therefor the words: "said land to be leased at a money rental price of not to exceed ten dollars per acre annually."

McNEALUS.

Senator Buchanan of Bell moved the previous question on the adoption of the amendment and the resolution which being duly seconded was ordered.

Action recurred upon the adoption of the amendment and the same was lost by the following vote:

Yeas—7.

Decherd.	McNealus.
Gibson.	Strickland.
Henderson.	Westbrook.
Johnson of Hall.	

Nays—14.

Alderdice.	Buchanan of Bell.
Bee.	Buchanan of Scurry.

Caldwell.
Collins.
Dean.
Floyd.
Hopkins.

Johnston of Harris.
Lattimore.
Page.
Parr.
Sulter.

Absent.

Balley.
Clark.
Hall.

Robbins.
Woodward.

Absent—Excused.

Dayton.
Faust.
Hudspeth.

McCollum.
Smith.

Action recurred upon the resolution and the same was adopted.

(President Pro Tem. Decherd in the chair.)

House Bill No. 170.

The Chair laid before the Senate on second reading:

H. B. No. 170, A bill to be entitled "An Act to amend Section 1 of House Bill No. 95, Chapter 38, pages 392, 393, 394 and 395, of the published laws enacted by the Thirty-fifth Legislature at its First Called Session, creating the Milano Independent School District, revising the metes and bounds of said district, including certain territory thereof, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 170 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	

Absent.

Balley.	Woodward.
Robbins.	

tendent of Public Buildings and Grounds.

LATTIMORE,
COLLINS,
BUCHANAN of Scurry.
SUITER,
HOPKINS,

On the part of the Senate.

COPE,
McMILLIN,
McCOMB,
NEILL,
BLACKMON.

On the part of the House.

The foregoing report was laid before the Senate, read and on motion of Senator Lattimore, the same was adopted.

(Senator Westbrook in the chair.)

House Concurrent Resolution No. 10.

Senator Buchanan of Bell called from the table and the Chair laid before the Senate:

H. C. R. No. 10, authorizing the Board of Trustees of the State Juvenile Training School to lease all necessary agricultural lands upon such terms and for such time as may be expedient.

The resolution was read and Senator McNealus offered the following amendment:

(1) Amend House Concurrent Resolution No. 10 by striking out the rental provision of a third and a fourth and substitute therefor the words: "said land to be leased at a money rental price of not to exceed ten dollars per acre annually."

McNEALUS.

Senator Buchanan of Bell moved the previous question on the adoption of the amendment and the resolution which being duly seconded was ordered.

Action recurred upon the adoption of the amendment and the same was lost by the following vote:

Yeas—7.

Decherd.	McNealus.
Gibson.	Strickland.
Henderson.	Westbrook.
Johnson of Hall.	

Nays—14.

Alderdice.	Buchanan of Bell.
Bee.	Buchanan of Scurry.

Caldwell.
Collins.
Dean.
Floyd.
Hopkins.

Johnston of Harris.
Lattimore.
Page.
Parr.
Sulter.

Absent.

Balley.
Clark.
Hall.

Robbins.
Woodward.

Absent—Excused.

Dayton.
Faust.
Hudspeth.

McCollum.
Smith.

Action recurred upon the resolution and the same was adopted.

(President Pro Tem. Decherd in the chair.)

House Bill No. 170.

The Chair laid before the Senate on second reading:

H. B. No. 170, A bill to be entitled "An Act to amend Section 1 of House Bill No. 95, Chapter 38, pages 392, 393, 394 and 395, of the published laws enacted by the Thirty-fifth Legislature at its First Called Session, creating the Milano Independent School District, revising the metes and bounds of said district, including certain territory thereof, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 170 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	

Absent.

Balley.	Woodward.
Robbins.	

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.
Hopkins.	

The bill was laid before the Senate, read third time and, on motion of Senator Bee, was passed by the following vote:

Yeas—22.

Alderdice.	Henderson.
Bee.	Hopkins.
Euchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.

Absent.

Bailey.	Woodward.
Robbins.	

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

Senate Bill No. 108—Reconsidered.

By unanimous consent Senator Caldwell moved that the vote by which Senate Bill No. 108 was passed finally be reconsidered.

The motion prevailed by unanimous vote.

The Chair laid before the Senate on third reading:

S. B. No. 108, A bill to be entitled "An Act to amend Section 1, Chapter 189, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-fifth Legislature of the State of Texas, 1917, relating to official shorthand reporters compensation in Dallas County."

Senator Caldwell offered the following amendments which were read and adopted, seriatim, by unanimous vote:

Amend Senate Bill No. 108 by striking out all after the enacting clause and inserting the following:

Section 1. That Section 8, Chapter 119 of the General Laws of the State of Texas, passed by the Regular

Session of the Thirty-second Legislature of the State of Texas, 1911, and as amended by Chapter 27, of the First Called Session of the Thirty-fifth Legislature, 1917, be so amended as to hereafter read as follows:

Section 8. That official shorthand reporter of each judicial district in Bexar, Travis and Dallas counties shall receive a salary of \$1,800.00 per annum, in addition to the compensation for transcript fees as provided for in this Act, said salary to be paid monthly by the commissioners court of the county, out of the general fund of the county upon the certificate of the district judge. Provided, however, in other judicial districts composed of one county, the official shorthand reporter shall receive a per diem compensation of five dollars for each and every day he shall be in attendance upon the court for which he is appointed, in addition to the transcript fees as provided for in this Act; said compensation shall be paid monthly by the commissioners court of the county in which the court sits out of the general fund of the county, upon the certificate of the district judge; provided further, however, that in the Twenty-second, Twenty-fifth, and Twenty-sixth Judicial Districts and the Criminal District Court of Travis and Williamson Counties the official shorthand reporter shall receive a salary of \$1,800.00 per annum, in addition to the compensation for transcript fees as provided for in this Act; said salary shall be paid monthly by the counties of the district in proportion to the number of weeks provided by law for holding court in the respective counties; and provided, further, that in all other judicial districts in this State composed of two or more counties, the official shorthand reporter shall receive a salary of \$1,500.00 per annum, in addition to the compensation for transcript fees as provided for in this Act; such salary shall be paid monthly by the counties of the district in proportion to the number of weeks provided by law for holding court in the respective counties. Provided, that in a district wherein any county in the district the term may continue until the business is disposed of, each county shall pay in proportion to the time court is actually held in such county; provided that

when any criminal case is appealed and the defendant is not able to pay for a transcript as provided for in Section 5 of this Act, or to give security therefor, he may make affidavit of such fact and upon the making and filing of such affidavit, the court shall order the stenographer to make such transcripts in duplicate, and deliver them as herein provided in civil cases, but the stenographer shall receive no pay for same; provided, that should any such affidavit so made by such defendant be false he shall be prosecuted and punished as is now provided by law for making false affidavits. In any civil case where the appellant or plaintiff in error has made the proof required to appeal his case without bond, such appellant or plaintiff in error may make affidavit of such fact and upon the making and filing of such affidavit, the court shall order the stenographer to make a transcript as provided in Section 5 of this Act and deliver same as herein provided in other cases, but the stenographer shall receive no pay for same; provided, that should any such affidavit so made by such appellant or plaintiff in error be false, he shall be prosecuted and punished as is now provided by law for making false affidavits.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. On account of the near approach of the end of the special session, and the crowded condition of the calendar, creates an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall be in full force and effect from and after its passage, and it is so enacted.

(2) Amend Senate Bill No. 108, by striking out all before the enacting clause and insert the following:

An Act to amend Section 1, Chapter 27, of the General Laws of the State of Texas, passed at the First Called Session of the Thirty-fifth Legislature of the State of Texas, 1917, entitled "An Act to amend Chapter 189, of the General Laws passed by the Thirty-fifth Legislature of the State of Texas, 1917, entitled 'An Act to amend Section 8, Chapter 119, of the General Laws of the State of Texas, passed by the

Regular Session of the Thirty-second Legislature of the State of Texas, 1911, relating to the official shorthand reporters compensation in certain counties; and declaring an emergency.' "

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan, of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.
Henderson.	

Present—Not Voting.

Gibson.

Absent.

Bailey.
Robbins.

Woodward.

Absent—Excused.

Clark.
Dayton.
Faust.

Hudspeth.
McCollum.
Smith.

House Bill No. 50 Rereferred.

By unanimous consent, and on request of Senator Caldwell, House Bill No. 50 was withdrawn from the Committee on State Affairs and referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 123—Motion to Rerefer.

Senator Hopkins moved that House Bill No. 123 be withdrawn from the Committee on Public Health and referred to the Committee on Federal Relations.

Senator McNealus made the point of order that the bill has already been considered by the Committee on Public Health and that said committee has its report ready to file with the Senate.

Pending.

Senate Bill No. 106.

The Chair laid before the Senate on second reading:

S. B. No. 106, A bill to be entitled "An Act to prohibit any person other than the lawful owner, or owners, to use, traffic in, purchase, sell, convert, mutilate or destroy, or refuse to return to such owner any milk cans, milk bottles, milk jars, butter boxes, ice cream cans, or ice cream tubs branded or stamped by, or bearing the private mark of such owner."

Pending.

Recess.

At 12:35 o'clock p. m., Senator Bee moved that the Senate recess until 2 o'clock today.

As a substitute Senator McNealus moved to recess until 2:30 o'clock today.

The substitute was lost.

The motion to recess until 2 o'clock prevailed.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd.

Senate Bill No. 106.

Action recurred upon pending business, Senate Bill No. 106, the question being upon the engrossment of the bill.

On motion of Senator Lattimore, the bill was passed to engrossment.

The bill was laid on the table subject to call.

Senate Bill No. 81.

The Chair laid before the Senate on second reading:

S. B. No. 81, A bill to be entitled "An Act to authorize and require the Board of Prison Commissioners to pay into the Treasury of the State of Texas such an amount of money belonging to the Penitentiary System as was appropriated by the Regular Session of the Thirty-fifth Legislature at its first, second, third and fourth called sessions, to pay obligations created by said Board of Prison

Commissioners and authorizing the Treasurer of the State of Texas to pay out said money in satisfaction of said obligations, including four certain notes, executed by said Board of Prison Commissioners in favor of the E. L. Wilson Hardware Company of Beaumont, Texas."

On motion of Senator Collins, the bill was postponed indefinitely.

Senate Bill No. 94.

The Chair laid before the Senate on second reading:

S. B. No. 94, A bill to be entitled "An Act to amend Chapter 1, Section 119, Revised Civil Statutes of Texas, 1911, by adding thereto, Articles 6901a, 6901b, 6901c, 6901d and 6901e; fixing the compensation of county commissioners in counties having a population of thirty thousand and over; providing a method of determining the population; providing that if any part of this Act be declared void the same shall not affect the remaining portions; validating the acts of any commissioners court in heretofore paying the amount of salary provided by any road law, and declaring an emergency."

On motion of Senator Lattimore, the bill was postponed indefinitely.

Senate Bill No. 34.

The Chair laid before the Senate on second reading:

S. B. No. 34, A bill to be entitled "An Act to create a Board of Examiners of land surveyors that shall serve without pay and prescribing their duties; prescribing the subjects in which applicants for land surveyor's license shall be examined; providing for the issuance of land surveyor's license to graduates of the Engineering Department of the State University and the Agricultural and Mechanical College without examination; providing for the revocation of land surveyor's license for certain causes and allowing appeals therefrom; providing for the bonding of licensed land surveyors; prescribing the duties of licensed land surveyors and qualifications of county surveyors and fixing their jurisdiction and fixing the compensation of licensed land surveyors; prohibiting others than licensed land surveyors from

performing the duties of land surveyors; prohibiting licensed land surveyors from purchasing or being interested in the purchase or title to any public land; prescribing penalty for the violation of this Act; repealing all laws and parts of laws in conflict with this Act and declaring an emergency."

On motion of Senator Buchanan of Scurry the bill was postponed indefinitely.

House Bill No. 27.

The Chair laid before the Senate on second reading:

H. B. No. 27, A bill to be entitled "An Act to amend Articles 475 and 476 of the Penal Code of the State of Texas, prohibiting the carrying of any pistol, dirk, dagger, slung-shot, sword cane, or knuckles made of any material or any hard substance, bowie knife, or any other knife manufactured or sold for purposes of offense or defense; prescribing a punishment therefor; making exceptions thereto in favor of certain officers; and declaring an emergency."

On motion of Senator Page, the bill was passed to its third reading.

The bill was laid on the table subject to call.

House Bill No. 161.

The Chair laid before the Senate on second reading:

H. B. No. 161, A bill to be entitled "An Act to amend Chapter 32, Article 6196 of the General Laws passed at the First Called Session of the Thirty-fifth Legislature, 1917, page 49, regulating the management and control of the penitentiary system and regulating the fixing of salaries of penitentiary guards, and declaring an emergency."

The Senate rules requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and, on motion of Senator Dean, was passed to third reading.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and

did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 104, A bill to be entitled "An Act to amend Article 3003, of Chapter 7, Title 49, of the Revised Civil Statutes of Texas of 1911, relating to officers of election assisting a voter in preparing a ballot; and also amending Article 258, Chapter 2, Title 6, of the Revised Penal Code of Texas, 1911, so as to provide a penalty for the violation of said articles of the Revised Civil Statutes as the same are hereby amended."

H. B. No. 134, A bill to be entitled "An Act to authorize the payment by the State Prison Commission of debts contracted by the Prison Commission prior to January 7, 1915, for which appropriation was made from the general revenues by Chapter 201, Acts of the Thirty-fifth Legislature, Regular Session; providing that the sum of three hundred and sixty-two thousand four hundred and twenty-three and forty-three hundredth dollars, paid in discharge of prison system indebtedness from the general revenues for the fiscal year beginning September 1, 1917, be transferred from the special funds of the Prison Commission to the general revenue; providing that the sum of three hundred and eighty-seven thousand seven hundred and eighty-three and fifty one-hundredth dollars provided to be paid from the general revenues during the fiscal year beginning September 1, 1918, in discharge of prison system indebtedness be paid from the funds of the prison system at the time and under the conditions specified in the said acts providing for payment of such Prison Commission indebtedness and interest thereon, and declaring an emergency."

Simple Resolution No. 52.

(By unanimous consent.)

Resolved, That 'Hon. John G. Willacy, formerly a distinguished member of this body, now in the Senate chamber be extended the privileges of the floor and address the Senate.

PARR.
BEE.
WESTBROOK.
GIBSON.

The resolution was read and adopted, and Senator Willacy addressed the Senate.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 11, relating to sine die adjournment of the Fourth Called Session of the Thirty-fifth Legislature.

S. B. No. 48, A bill to be entitled "An Act declaring syphilis, gonorrhea and chancroid and hereinafter designated as venereal diseases, to be contagious, infectious, communicable and dangerous to public health; providing for and requiring reports to be made by physicians and others in all cases of such diseases; requiring patients affected with venereal disease to give information thereof; requiring city, county and local health officers to ascertain the existence of such diseases and the source of infection; providing for the protection of others from infection from such diseases; providing the condition under which the name of the patient is required to be reported; requiring druggists to keep a record of sales of drugs for venereal diseases; prohibiting any person from knowingly exposing another to infection from venereal diseases; providing for the giving of certain certificates of freedom from such diseases; providing that the records and all information concerning the persons infected with such diseases shall be kept secret from the public; providing for penalty for violations of this act; investing the State, county and local health officers with all authority now provided for the enforcement of quarantine regulations to enforce the provisions of this act, and declaring an emergency."

S. B. No. 49, A bill to be entitled "An Act to amend Chapter 2 of Title 66 of the Revised Civil Statutes of the State of Texas, 1911, relating to public health, and providing a sanitary code for Texas, by adding thereto Article 4553aa, prohibiting advertisement concerning certain diseases and afflictions, providing a penalty

for the violation thereof, and declaring an emergency."

S. B. No. 89, A bill to be entitled "An Act to amend Article 698 of the Revised Civil Statutes of Texas, 1911, so as to authorize the investment of the sinking funds of counties, cities, towns, school districts or school communities in United States bonds, war saving certificates, certificates of indebtedness in United States government and in State, city or town bonds, and declaring an emergency."

H. B. No. 128, A bill to be entitled "An Act requiring teachers in the public free schools to conduct school work in the English language exclusively, preventing the adoption of texts for elementary grades not printed in English, defining the grades in which a foreign language may be taught, and fixing penalties for the violation of this act."

Does not concur in Senate amendments to House Bill No. 52 and requests the appointment of a Free Conference Committee. The following have been appointed on part of the House: Messrs. Bland, Miller of Dallas, Roemer, Tilson, Metcalfe.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives

Senate Bill No. 88.

The Chair laid before the Senate on second reading:

S. B. No. 88, A bill to be entitled "An Act to repeal Articles 7074, 7366, 7367, 7368, and 7392 of the Revised Civil Statutes of the State of Texas, 1911, creating the office of State Revenue Agent and defining his powers and duties, repealing the appropriation for said State Revenue Agent, the bill to become effective January 15, 1919, and declaring an emergency."

The bill was read second time and, on motion of Senator Alderdice passed to engrossment.

Senate Bill No. 114.

Senator Lattimore moved that the constitutional rule requiring bills to be read on three several days be suspended and Senate Bill No. 114 put on its second reading.

The motion prevailed by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dean.	Parr.
Decherd.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	

Absent—Excused.

Buchanan of Bell.	Robbins.
Page.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The Chair laid before the Senate on second reading:

S. B. No. 114, A bill to be entitled "An Act regulating the taxing of all money and securities deposited with the State Treasurer, or with other State official or department where such securities belong to any person, firm or corporation organized under the laws of the State of Texas; providing such money or securities shall be taxed at the residence of the person, the location of the firm, or the home office of the corporation owning same, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 114 put on its third reading and final passage by the following vote:

Yeas—19.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Collins.	Lattimore.
Dean.	McNealus.
Decherd.	Parr.
Floyd.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.
Henderson.	

Nays—1.

Caldwell.

Present—Not Voting.

Bailey.

Absent.

Buchanan of Bell.	Robbins.
Page.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed finally.

Message from the Governor.

A messenger here appeared at the bar of the Senate with an executive message, which was laid before the Senate and read, as follows:

Governor's Office.

Austin, Texas, March 23, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I submitted to the Legislature on March 4, 1918, a report of the progress made in connection with the sale of the properties known as the State's Iron Industry, this sale having been authorized by the Legislature in House Concurrent Resolution No. 22, approved April 4, 1917.

As indicated in that report, the bid of L. P. Featherstone was accepted. There were three bids. One of Geo. W. Armstrong for \$15,000, one of Jas. H. Edmonds for \$100,000, and that of L. P. Featherstone for \$112,500, with an agreement to pay the State a royalty on the iron ore as used from this property. Besides exceeding the next highest bid in the sum of \$12,500 cash, the bid of Mr. Featherstone was the only one under which the State will receive a royalty on the iron ore.

In view of the fact that the successful bidder for this property, Col. L. P. Featherstone, is the president of the Texas Steel Company of Beaumont, of which company I subscribed to \$500 of the capital stock of \$2,500,000 in June, 1916 as a result of an agreement of Beaumont citizens to take \$100,000 of the stock as an inducement to have a steel plant lo-

cated in Beaumont, I requested Col. Featherstone to advise me if this property is being purchased for the Texas Steel Company. His answer is in the affirmative.

I requested an opinion of the Attorney General as to my qualification to act upon this sale as provided in House Concurrent Resolution No. 22, and I submit herewith copy of his opinion to the effect that under the circumstances, I am disqualified to act.

I, therefore, recommend to the Legislature that the suggestion of the Attorney General be adopted and the Lieutenant Governor be authorized by resolution to approve this sale to the end of carrying out the will of the Legislature as heretofore expressed. In my judgment it is a most advantageous sale for the State because of the good price realized for the properties, and because of the guarantee to rehabilitate the State's Iron Industry.

Accompanying this message is the correspondence, which is self-explanatory.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

(Copy.)

March 21, 1918.

Col. L. P. Featherstone, Rusk, Texas.

Dear Mr. Featherstone. I observe that the bid for the State's Iron Industry at Rusk is made in your name. Before finally approving the papers in connection with the transaction, please advise me if this purchase is for you or for the Texas Steel Company of which you are president. If the latter is the case, I prefer to have the sale ratified by the Texas Legislature since I am the owner of \$500.00 of the stock of the Texas Steel Company.

Sincerely yours,
(Signed) W. P. HOBBY,
Governor of Texas.

(Copy.)

Austin, Texas, March 22, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

My Dear Governor: In reply to your letter of March 21, I beg to advise that I bought the State's Iron Industry property at Rusk for the use and benefit of the Texas Steel Company. This purchase was made

at the sale of the property advertised by the Board of Prison Commissioners in accordance with resolution passed at the regular session of the Thirty-fifth Legislature. I was present at Huntsville on the day advertised for the opening of the bids, which was done in the presence of bidders. The lowest bid submitted was for \$15,000.00, the next lowest was for \$100,500.00. These bids were for the whole of the State's iron industry, together with all of the State's iron ore. Our bid was for \$112,500, for the plant and 50¢ per ton for the ore on a 50 per cent metallic content basis, to be paid for as used.

Under the State's estimate, running from two to three million tons of ore in its lands our bid was recognized as being greatly in excess of that of any of our competitors by the Penitentiary Commissioners. It was so much in excess of price expected that there has never at any time been any controversy or question as to the acceptance of our bid. The ratification which followed justified us in proceeding to put the plant into first-class condition for operation. We have already spent more than \$50,000 in doing this, and are now engaged actively in this work, and expect to be making pig iron within the next 60 days.

I realize that your patriotic action in subscribing for a small lot of our stock some years ago in order to encourage and help develop iron production in Texas may cause you to feel some embarrassment in giving your formal approval of this sale, though concurred in by the Prison Commissioners, the Attorney General and the public, and it is agreeable to me that you submit the matter to the Legislature now in session.

I trust, however, that there will be no delay as we are bending every energy to place the plant in operation at the earliest day possible.

Sincerely yours,
(Signed) L. P. FEATHERSTONE.

(Copy.)

March 23, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

My Dear Sir: The Attorney General is just in receipt of your letter as follows:

"Before finally approving or acting upon the sale of the properties known as the State's Iron Industry

to L. P. Featherstone in whose name the successful bid for this property was made, I addressed Mr. Featherstone a letter asking him if this purchase was for himself or for the Texas Steel Company, of which he is president. He advised me that it was his intention to purchase these properties for the Texas Steel Company.

"In view of the fact that I am the owner of \$500.00 of the capital stock of \$2,500,000 of the Texas Steel Company, I would be very much pleased to have you advise me, if, under the circumstances, I am qualified to approve this sale as provided in House Concurrent Resolution No. 22, approved April 4, 1917, and if I am disqualified to act in the premises, will you please advise me, if, in your judgment the Lieutenant Governor or any other officer is qualified to act."

"I will very much appreciate an opinion from you on this matter at the earliest possible moment suitable to your convenience so that if it be necessary the matter can be acted upon by the Legislature before adjournment of that body."

Replying to your inquiry, we beg to advise that in the opinion of this Department, under the facts detailed in your communication, you would be disqualified to act in the approval of the contract entered into between the Board of Prison Commissioners and Mr. Featherstone. There is no statute in this state prohibiting you from approving this contract. However, statutes of this character are but declaratory of the common law, to the effect that one cannot in his official capacity deal with himself as an individual. *Smith vs. Albany*, 61 N. Y., 444. The transaction is not relieved of the vice by reason of the fact that you, in the approval of this contract are not dealing with yourself in an individual capacity, but with a corporation in which you are a stockholder. The authorities are equally positive and clear that a contract entered into by a public official with a corporation, in which he is a stockholder, is void. In re the opinion of the Justices, 82 Alt., 90.

While your interest in the Texas Steel Company is represented by a comparatively small number of shares, yet you have an interest, which, in our opinion, would disqualify you from becoming a party

to this contract, approving the same as is required in the resolution authorizing the sale.

Under Section 16, Article 4, of the Constitution, the Lieutenant Governor is required to exercise the powers and authority appertaining to the office of Governor, in case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or to his impeachment or absence from the State, until the Governor impeached, absent or disabled shall be acquitted, return, or his disability be removed.

Under the facts in your letter, you are legally disabled and consequently cannot approve this contract. It is probable that under these conditions Senator Decherd, President Pro Tem. of the Senate and Acting Lieutenant Governor would have authority to act in this case. *Barnard vs. Taggart*, 25 L. R. A., 613. However, the Legislature being in session, there is no necessity to hazard the legality of Senator Decherd's approval and we advise that you submit this question to the Legislature, which by a concurrent resolution, may authorize the President Pro Tem., or for that matter any other State official, to act, together with the Attorney General, in the approval of this contract. This would set at rest all questions relating thereto.

Your request for immediate reply precludes a more extended discussion of the matter.

Yours very truly,
(Signed) C. W. TAYLER,
Assistant Attorney General.

Senate Bill No. 106.

Senator Parr moved that the constitutional rule requiring bills to be read on three several days be suspended and Senate Bill No. 106 put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20.

Alderdice.	Floyd.
Bailey.	Gibson.
Bee.	Hall.
Buchanan of Scurry.	Henderson.
Caldwell.	Hopkins.
Collins.	Johnson of Hall.
Dean.	Lattimore.
Decherd.	McNealus.

Parr. Suiter.
Strickland. Westbrook.
Present—Not Voting.
Page.

Absent.
Buchanan of Bell. Robbins.
Johnston of Harris Woodward.

Absent—Excused.
Clark. Hudspeth.
Dayton. McCollum.
Faust. Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed finally.

House Bill No. 115.

The Chair laid before the Senate on second reading:

H. B. No. 115, A bill to be entitled "An Act to amend Sections 2 and 8, of Chapter 181, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 6, Acts of the Third Called Session of the Thirty-fifth Legislature, by adding thereto Section 2b, providing for standard 'grades and packs' of other fruits and vegetables; prescribing penalties for violation of this law; and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 115 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice. Hopkins.
Bailey. Johnson of Hall.
Bee. Johnston of Harris.
Buchanan of Scurry. Lattimore.
Collins. McNealus.
Dean. Parr.
Decherd. Robbins.
Floyd. Strickland.
Gibson. Suiter.
Hall. Westbrook.
Henderson.

Absent.
Buchanan of Bell. Page.
Caldwell. Woodward.

Absent—Excused.

Clark. Hudspeth.
Dayton. McCollum.
Faust. Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed by the following vote:

Yeas—21.

Alderdice. Hopkins.
Bee. Johnson of Hall.
Buchanan of Scurry. Johnston of Harris.
Caldwell. Lattimore.
Collins. McNealus.
Dean. Parr.
Decherd. Robbins.
Floyd. Strickland.
Gibson. Suiter.
Hall. Westbrook.
Henderson.

Present—Not Voting.

Bailey.

Absent.

Buchanan of Bell. Woodward.
Page.

Absent—Excused.

Clark. Hudspeth.
Dayton. McCollum.
Faust. Smith.

Senate Bill No. 112.

The Chair laid before the Senate on second reading:

S. B. No. 112, A bill to be entitled "An Act to establish and create a court to be known as the 'County Court of Jefferson County at Law No. 2,' and to prescribe its organization, jurisdiction and procedure, and to conform the jurisdiction and procedure of other courts thereto, and to declare an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report carrying substitute and that the bill be not printed was adopted.

Senator Collins offered the following amendment which was read and adopted:

(1) Amend committee substitute as follows: in lines 13, 14, 15 and 16 of Section 2 of said substitute strike out all after the word "aforesaid"

in line 13, down to, and including the word "Louisiana" in line 16.

The bill was read second time and passed to engrossment.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 112 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Westbrook.
Henderson.	

Absent.

Bailey.	Suiter.
Buchanan of Bell.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Westbrook.
Henderson.	

Absent.

Bailey.	Suiter.
Buchanan of Bell.	Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

Reason for Vote.

I changed my vote from "nay" to "yea," on Senate Bill No. 112 after

the Senate had passed the same in order to give it immediate effect.

HOPKINS.

House Bill No. 52—Free Conference Committee.

Senator Bee made the following written motion:

I move that the request of the House for a free conference committee on House Bill No. 52 be granted and that the following be elected on the part of the Senate: Page, Caldwell, Henderson, Johnston of Harris and Gibson.

BEE.

The motion was read and adopted carrying the election of the committee named.

House Bill No. 138.

The Chair laid before the Senate on second reading:

H. B. No. 138, A bill to be entitled "An Act providing that those engaged in any business within this State, upon which the laws require the payment of a tax on gross receipts, must obtain a permit to transact such business from the Secretary of State; providing for the issuance of such permit by the Secretary of State, what the same shall contain, and that the same shall be posted in the office of the person or concern to whom issued; providing for an application to be made for such permits, and what such application shall show; the length of time such permits are to run and when those now engaged in business must obtain permits, etc.; and declaring an emergency."

The Senate rule requiring Committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Alderdice offered the following amendments which were read and adopted seriatim:

(1) Amend House Bill No. 138 by striking out the word "January," in line 16, Section 2, of the printed bill and inserting in lieu thereof the word "December."

(2) Amend House Bill No. 138 by striking out the word "ten" in line 23, Section 3 of the printed bill and inserting in lieu thereof the word "thirty."

(3) Amend House Bill No. 138 by adding the following at the end of Section 2:

"When a permit has been issued as herein provided, it shall be the duty of the Secretary of State to immediately certify such fact to the Comptroller of Public Accounts."

The bill was read second time and passed to its third reading.

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 138 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.

Absent.

Buchanan of Bell. Woodward.
Gibson.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Alderdice, was passed finally.

Senate Bill No. 59.

The Chair laid before the Senate on second reading:

S. B. No. 59, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 5, Chapter 7 of the General Laws of Texas as passed by the Thirty-third Legislature at its regular session and approved on February 11, 1913, as the same appears on page 8 of the General Laws of the Thirty-third Legislature at its regular session, the same being commonly called the 'Suspended Sentence Law,' and declaring an emergency."

Senator Johnston of Harris offered the following amendment which was read and adopted:

Amend Senate Bill No. 59 by strik-

ing out the word "and" at end of line 21, and by adding after word "abortion" in line 22, the following: "and all other felonies where the acts creating them in terms provided that persons convicted thereof shall not be given the benefit of suspended sentence law."

The bill was read second time and passed to engrossment.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 59 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.
Henderson.	

Absent.

Buchanan of Bell. Page.
Gibson. Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed finally.

(Senator Bee in the chair.)

House Bill No. 90.

The Chair laid before the Senate on second reading:

H. B. No. 90, A bill to be entitled "An Act regulating the purchase of junk by persons engaged as junk dealers or in the junk business; providing for uniform affidavits of junk sellers, and for same to be kept in well bound book, subject to inspection of the public; providing punishment for the violation of same; defining the terms 'junk dealer' and 'junk business,' and repealing all laws in conflict with the provisions

of this Act, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 90 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	

Absent.

Buchanan of Bell. Gibson.
Buchanan of Scurry. Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed finally.

Senate Concurrent Resolution No. 10.

(By unanimous consent.)

Whereas, The Legislature of the State of Texas by the terms and provisions of House Concurrent Resolution No. 22 approved April 2, 1917, instructed the Board of Penitentiary Commissioners of the State of Texas with the approval and consent of the Governor and Attorney General, to sell and dispose of the property at the Rusk penitentiary, known as the State's Iron Industry, and

Whereas, An acceptable bid has been made by L. P. Featherstone, acting as the president of the Texas Steel Co. of Beaumont, for the purchase of said property on behalf of the said Texas Steel Co., and

Whereas, The Governor has made known to the Legislature the fact that he holds a small quantity, to wit

\$500 of the capital stock of said company, taken by him as a citizen of Beaumont, in common with other citizens of Beaumont in an effort to induce said company to locate in said city of Beaumont, and

Whereas, An opinion has been given by the Attorney General upon request of the Governor, that the holding of such stock disqualifies the Governor from approving or consenting to said sale and purchase, and

Whereas, It is necessary that some one act in lieu of the Governor in so approving such transaction; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the President Pro Tem. of the Senate and Acting Lieutenant Governor of Texas be, and he is hereby authorized and empowered to perform and do each and every act required of the Governor of Texas under the terms of House Concurrent Resolution No. 22. And that the said President Pro Tem. of the Senate and Acting Lieutenant Governor be authorized to approve said sale.

LATTIMORE.
DEAN.

The resolution was read and adopted.

House Bill No. 50.

The Chair laid before the Senate on second reading:

H. B. No. 50, A bill to be entitled "An Act to amend Sections 12 and 16 of Chapter 190 of the Acts of the Regular Session of the Thirty-fifth Legislature, creating a 'State Highway Department,' and which sections relate to the allotment of the highway funds in aid of road construction; and to annual fees for registration of motor vehicles and motorcycles."

The Senate rule requiring committee report to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 50 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	

Present—Not Voting.

Decherd.

Absent.

Buchanan of Bell. Woodward.
Buchanan of Scurry.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—21.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Caldwell.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	

Present—Not Voting.

Collins.

Absent.

Buchanan of Bell. Woodward.
Buchanan of Scurry.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

House Bill No. 123—Motion to Print in Journal.

Senator Hopkins moved that House bill No. 123 be printed in the Jour-

nal and that it be not printed in bill form.

Senator McNealus made the point of order that the bill could not be considered in any manner until the committee report had laid over for one day.

Refusal to Adjourn.

Senator Bailey moved that the Senate stand adjourned until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—10.

Bailey.	Johnston of Harris.
Bee.	Lattimore.
Caldwell.	McNealus.
Gibson.	Page.
Hall.	Parr.

Nays—11.

Alderdice.	Hopkins.
Collins.	Johnson of Hall.
Dean.	Strickland.
Decherd.	Suiter.
Floyd.	Westbrook.
Henderson.	

Absent.

Buchanan of Bell. Robbins.
Buchanan of Scurry. Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

House Bill No. 123—Motion to Print in Journal.

Action recurred upon the point of order raised by Senator McNealus.

The Chair overruled the point of order.

Action then recurred upon the motion of Senator Hopkins that House Bill No. 123 be printed in the Journal only.

Senator Dean moved the previous question on the adoption of the motion and the same being duly seconded was ordered.

Action recurred upon the motion to print in the Journal and the same prevailed by the following vote:

Yeas—14.

Alderdice.	Collins.
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Dean.	Johnson of Hall.
Decherd.	Lattimore.
Floyd.	Page.
Gibson.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.

Nays—7.

Bailey.	Johnston of Harris.
Bee.	McNealus.
Caldwell.	Parr.
Hall.	

Absent.

Buchanan of Bell. Robbins.
Buchanan of Scurry. Woodward.

Absent—Excused.

Clark.	Hudspeth.
Dayton.	McCollum.
Faust.	Smith.

Senator Hopkins moved to reconsider the vote by which the motion was adopted and table the motion to reconsider.

The motion to table prevailed.

(President Pro Tem. Decherd in the chair.)

Message from the House.

Hall of House of Representatives.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 116, A bill to be entitled "An Act to amend Article 5894 of Title 92 of the Revised Civil Statutes of 1911 prescribing uniform weights and containers for both flour and meal; also prescribing standard weights per bushel for cured sweet potatoes, onions, Spanish peanuts, Virginia Runner or Bunch peanuts, and Jumbo peanuts, and declaring an emergency."

H. B. No. 113, A bill to be entitled "An Act to authorize the commissioners court to purchase poisons and other accessories for the purpose of destroying prairie dogs, rats, coyotes, wolves, wild cats, gophers, ground squirrels, English sparrows and ravens; giving the commissioners court the authority to sell at cost or give such poisons to all persons residing in the county, to be used for such purposes, and providing procedure for the distribution and use

of such poisons, and creating an emergency."

H. B. No. 130, A bill to be entitled "An Act to amend Article 3944 of the Revised Statutes of the State of Texas, 1911, as amended by an Act passed at the Regular Session of the Thirty-fifth Legislature, approved March 30, 1917, being Chapter 154, of the Acts of said Session relating to forcible entry and detainer and to the issuance of citation and the service thereof and the giving of bond by plaintiffs and defendants in suits of that character; providing, that in case the plaintiff shall file a bond in an amount to be fixed by the justice of the peace issuing such citation, he shall be placed in possession of the property unless the defendant shall within six days from the service of citation execute and deliver to the officer serving such citation a bond in a sum at least double the amount of the bond given by the plaintiff, to be approved by said officer, and conditioned that the defendant, in case judgment is rendered against him will pay all costs of suit and a reasonable rental or value of the use of the property to the time of making such bond, and also the reasonable value or rental of same while the suit is pending and until it is finally disposed of, and declaring an emergency."

S. B. No. 99, A bill to be entitled "An Act making an emergency appropriation for the support and maintenance of the State Training School for Juveniles located at Gatesville, Texas, for the current fiscal year ending August 31, 1918, and declaring an emergency."

H. B. No. 182, A bill to be entitled "An Act making it the duty of the sheriffs, constables and their deputies, the policemen and all other peace officers of the State to assist the officers of the United States whose duty it is to enforce the provisions of an Act of Congress entitled 'An Act to prohibit the manufacture, distribution, storage, use and possession in time of war of explosives, providing regulations for the sale, manufacture, distribution, storage, use and possession of the same, and for other purposes; and making it the duty of said peace officers to report to the proper officers of the United States any fact or circumstances showing or indicating a violation of said Act; providing a

punishment for the failure of any such peace officer to discharge the duties imposed by the provisions of this Act; providing change of venue, and declaring an emergency."

S. B. No. 63, A bill to be entitled "An Act to amend Chapter 6, Title 15, of the Penal Code of 1911, by adding thereto Article 1055a, making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years, and declaring an emergency."

Adopted

Senate Concurrent Resolution No. 10, relating to the Penitentiary Iron Industry.

Free Conference Committee report on House Bill No. 140.

Concurred in

Senate amendments to House Bill No. 93, and House Bill No. 101.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Decherd, had referred, after their captions had been read, the following House bills:

H. B. No. 128, referred to the Committee on Educational Affairs.

H. B. No. 116, referred to the Committee on Agricultural Affairs.

H. B. No. 130, referred to the Committee on Civil Jurisprudence.

H. B. No. 182, referred to the Committee on Criminal Jurisprudence.

H. B. No. 113, referred to the Committee on Agricultural Affairs.

Adjournment.

At 4:13 o'clock p. m., the Senate, on motion of Senator Bailey adjourned until 10 o'clock Monday morning.

APPENDIX.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Engrossed

Bills has had Senate Bill No. 103 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Acting Chairman.

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 80 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 98 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 50, A bill to be entitled "An Act to amend Sections 12 and 16 of Chapter 190 of the Acts of the Regular Session of the Thirty-fifth Legislature creating a State Highway Department, and which sections relate to the allotment of the highway funds in aid of road construction, and to annual fees for registration of motor vehicles and motorcycles, etc.,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Floyd, Strickland, Buchanan of Scurry, Gibson.

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 112,

Have had the same under consideration and I am authorized by the committee to report same back to the

Senate with the recommendation that it do not pass, but that Committee Substitute No. 112, a bill to be entitled "An Act to establish and create a court to be known as the County Court of Jefferson County at Law No. 2," and to prescribe its organization, jurisdiction and procedure, and to conform the jurisdiction and procedure of other courts thereto, and to declare an emergency," be adopted in lieu thereof, and that it be not printed.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

S. B. No. 114, A bill to be entitled "An Act regulating the taxing of all money and securities deposited with the State Treasurer, or other State official or department where such securities belong to any person, firm, or corporation organized under the laws of the State of Texas; providing such money or securities shall be taxed at the residence of the person, the location of the firm, or the home-office of the corporation owning same, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Lattimore, Chairman; Henderson, Johnson of Hall, Gibson, Strickland, Floyd, McNealus.

Committee Room,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

H. B. No. 161, A bill to be entitled "An Act to amend Chapter 32, Article 6196 of the General Laws passed at the First Called Session of the Thirty-fifth Legislature, 1917, page 49, regulating the fixing of salaries of penitentiary guards, and declaring an emergency,"

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommenda-

tion that it do pass and be not printed.

DEAN, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

H. B. No. 162, A bill to be entitled "An Act to validate charters or acts of incorporation adopted by cities since the enactment of Chapter 147, page 307, of the Acts of the Regular Session of the Thirty-third Legislature, said cities according to the 1910 United States census, having a population of less than 5000 inhabitants, but which had at the time of the adoption of said charter or act of incorporation a population in excess of 5000, and declaring an emergency,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Johnston of Harris, Chairman; McNealus, Suiter, Page, Bee, Lattimore, Collins.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

H. B. No. 93, A bill to be entitled "An Act abolishing the office of Commissioner of Pensions, conferring all powers heretofore exercised by the Commissioner of Pensions under any existing laws of this State, upon the Comptroller of Public Accounts and annulling and repealing all appropriations for the Pension Department for the years 1918 and 1919, save and except the salary of the chief clerk of said department, in the sum of \$1500 per annum, which said appropriation shall be available for the use of the Comptroller of Public Accounts in the administration of the Pension Laws of this State, repealing all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration and I am instructed by the committee to refer same back to the

Senate with the recommendation that it do pass and be not printed.

Collins, Acting Chairman; Westbrook, Lattimore, Gibson, Strickland.

Committee Room,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 110, A bill to be entitled "An Act to amend Chapter 133, page 336, of the General Laws of the Regular session of the Thirty-fifth Legislature, so as to provide that said act shall not apply to any persons, corporation or collection of persons or partnership who pursue the business of collecting accounts due to any persons or partnership or corporation for merchandise or goods actually sold and delivered or for services actually performed or for premises occupied or for rentals, and who charge a reasonable fee for collecting such bona fide accounts past due, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: We, a majority of your Committee on Public Health, to whom was referred

H. B. No. 123, A bill to be entitled "An Act to provide for the sale and transfer to the United States of all property owned by the State of Texas situated on the Gulf coast of Texas and on the Mexican border of Texas along the Rio Grande river and used in the State quarantine service, providing for a commission to negotiate the sale of said property to the proper authorities of the United States; providing that the expenses of said commission shall be paid out of the expense funds of their respective departments, authorizing the Governor to execute the deeds and convey the property to the United States; providing that the positions and employment of officers and employees in charge of and using such property so conveyed shall terminate; provid-

ing for the payment into the State Treasury of the general revenue of all money realized from the sale of such properties and filing of statements in the office of the Comptroller of Public Accounts; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass. Notice was given of a minority report.

McNEALUS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: We, a minority of your Committee on Public Health, to whom was referred

H. B. No. 123, A bill to be entitled "An Act to provide for the sale and transfer to the United States of all property owned by the State of Texas situated on the Gulf coast of Texas and on the Mexican border of Texas along the Rio Grande river and used in the State quarantine service, providing for a commission to negotiate the sale of said property to the proper authorities of the United States; providing that the expenses of said commission shall be paid out of the expense funds of their respective departments, authorizing the Governor to execute the deeds and convey the property to the United States; providing that the positions and employment of officers and employees in charge of and using such property so conveyed shall terminate; providing for the payment into the State Treasury of the general revenue of all money realized from the sale of such properties and filing of statements in the office of the Comptroller of Public Accounts; and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do not pass.

McNEALUS, Chairman.

BEE.

The following bill is here printed by order of the Senate:

By Terrell, et al.

H. B. No. 123.

A BILL
To be entitled

An Act to provide for the sale and transfer to the United States of all property owned by the State of Texas situated on the Gulf Coast of Texas and on the Mexican border of Texas along the Rio Grande river and used in the State Quarantine Service, providing for a Commission to negotiate the sale of said property to the proper authorities of the United States, providing, that the expenses of said Commission shall be paid out of the expense funds of their respective departments, authorizing the Governor to execute the deeds and convey the property to the United States, providing that the positions and employment of officers and employes in charge of and using such property so conveyed shall terminate, providing for the payment into the State Treasury to the general revenue of all money realized from the sale of such properties and filing of statements in the office of the Comptroller of Public Accounts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a Commission, composed of the Governor of the State of Texas, the Attorney General of Texas, and the State Health Officer of this State, is hereby created for the purpose of negotiating the sale and delivery to the United States Government of all State property owned and used by the State of Texas for quarantine purposes along the Gulf of Mexico and on the Mexican border of the Rio Grande river, upon such terms as are most advantageous to the State of Texas.

Section 2. Said Commission is hereby vested with power and given complete authority to sell to the proper authorities of the United States all property owned by the State of Texas, and used in the quarantine service of the State, including lands, quarantine stations, wharves, boats, residence houses, and all appurtenances, equipment and apparatus necessary for the proper exercise of the quarantine service or used in such service.

Section 3. The said Commission

shall, as soon as this Act becomes effective, proceed to negotiate terms of sale and delivery of said property to the proper authorities of the United States, and when said terms and conditions of sale have been agreed upon by the Commission and the representatives of the United States Government, the Governor of the State of Texas is hereby authorized to execute deeds and convey said quarantine property to the proper authorities of the United States Government, upon the receipt of the amount of money agreed upon, or upon proper guarantee that the said amount of money will be paid to the State of Texas within a given time.

Section 4. In case of the inability of any member of this Commission to act at the proper time in the negotiations and sale of this property, he is hereby authorized and empowered to appoint a representative to act in his place, and all expenses incurred by any member, or members, of this Commission, or their representatives, shall be paid out of the expense fund of their respective departments.

Section 5. Upon the execution and delivery of the deed conveying any of said quarantine properties to the United States, the officers and employes of the State, in charge of such property and employed by the State in the quarantine service, in which such property is used, shall surrender such property to the proper representative of the United States, and the positions and employment of such officers and employes under the State shall thereupon terminate.

Section 6. All money paid for said properties shall be paid into the State Treasury immediately upon receipt and shall be credited to the general revenue, and at the time such money is paid into the State Treasury, the Commission shall file in the office of the Comptroller of Public Accounts a statement showing the amount of money so paid and for what the same was received, and upon the complete performance of the duties imposed upon the Commission by this Act, the Commission shall file in the office of the Comptroller a full statement of all sales made and of all amount received in payment for the property sold.

Section 7. The fact that there is now some confusion and dissatisfaction on the part of shippers because

of a dual quarantine maintained by both the State and Federal Government and the fact that the Federal Government is better equipped to do this work than the State Government, and is doing the work satisfactorily at many points in the State and in all other States, and that it is a Federal function as well as a State right to quarantine against foreign ships and foreign peoples, and the further fact that the sale of this property will turn into the State Treasury about \$200,000.00 and creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring all bills to be read on three several days, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred House Bill No. 142,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed, but be printed in today's Journal.

BAILEY, Chairman.

By Swope, et al. H. B. No. 142.

A BILL To be entitled

An Act giving to the owner of any real estate or interest therein sold under execution, order of sale, deed of trust, mortgage or other contract lien, the right to redeem the same at any time in one year from the date of sale, by paying to the purchaser the amount of the purchase money paid together with interest thereon; provided that property redeemed under the Act shall not again be subject to levy or sale for the debt for which it was sold; providing that from the period of redemption allowed by this Act shall be deducted a period equal to any extension of the debt; providing that the right of redemption shall not be waived; providing that the Act shall have no application when the real estate is sold after the final maturity of the debt, or when the debt re-

presents purchase money and less than one-half of the principal of the debt has been paid, or when the debt bears interest at the rate of six per cent, or less; providing that the right of redemption shall for all purposes be treated and regarded as real estate; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. Whenever any real estate or interest therein is sold under execution or order of sale or power given in deed of trust, mortgage or other contract lien, such real estate, or interest therein so sold may be redeemed by the owner thereof or by his administrator or executor under the direction of the court, or the judge thereof in vacation, or by his independent executor, or by the survivor in community under the statute, or by his heirs or devisees, by paying at any time within one year from date of sale to the purchaser or his executor or administrator or the survivor in community under the statutes of such purchaser or his heirs, devisees, or executors, the amount of the purchase money paid at such sale for said property, together with interest thereon from the date of such sale to the time of such payment at the same rate of interest as that borne by the debt for which such property was sold, in which amount thus to be paid, shall also be included such additional sum or sums as shall have been paid out by the purchaser for taxes on the said real estate or interest therein, improvements and repairs thereon, necessary to conserve said property and for insurance, from which sums may be deducted the amount of any net income which may have been received by such purchaser from said real estate or interest therein during the said time. In the event such purchaser or the aforesaid representatives of such purchaser, or his heirs or assigns cannot be found in the county where the real estate or a portion of it lies, by the person entitled to redeem the real estate, the aforesaid payment may be made for the use of such purchaser or his representatives, his heirs or assigns, to the clerk of the court from which the order of sale or execution under which the real estate was sold was issued, or, if the real estate was not

sold under order of sale or execution, to the clerk of the county court of the county in which the real estate or a portion of it is situated. Upon the payment of the amount hereinbefore specified, the purchaser of such real estate or his representatives, heirs or assigns, shall execute and deliver a deed to the real estate, to the person entitled to redeem the same. Provided, further, that the property redeemed under this Act shall not again be subject to levy or sale for the debt for which the same was sold. The right of possession given by law, shall not be affected by the terms of this Act, and shall not deprive the purchaser of such right thereto as may be provided by law. Provided, further, that in the event that the time of payment of any debt secured by such deed, of trust, mortgage, or other contract lien is extended for any definite period, a period equal to such extension shall be deducted from the one year's period of redemption allowed by this Act. Provided that this Act shall have no application whatever in the following instances: When the real estate is sold after the date of the final maturity of the principal, or the last installment of the principal, of the debt for which the same is sold, as such date is specified in the instrument or instruments evidencing the debt; or when the debt for which such real estate is sold represents purchase money and less than one-half of the original principal of the debt has been paid; or when the debt for which the real estate is sold, bears interest at the rate of six per cent per annum, or less.

Section 2. Any person having an undivided interest in such property sold may redeem the same, as provided in the foregoing section; and if he so redeem he shall have a lien on the several shares of the other owners for their respective shares of the redemption money paid by him with interest thereon at the same rate as that paid by him or that borne by the original debt, which lien shall be superior to all liens on the property so redeemed junior to the lien under which the sale was made and may be enforced against the other part owners and junior encumbrances by appropriate legal proceedings.

Section 3. The right of redemption given by this Act shall not be

waived and any waiver of the same, whether directly or indirectly made or attempted shall be void, but this provision shall not be construed to prevent the owner from selling and conveying to the purchaser, after the sale, his right of redemption.

Section 4. The right of redemption given by this Act shall for all purposes, including taxation, conveyance and inheritance, and all other purposes, be treated and regarded as real estate and may be subjected to the debts of the owner of such right in the same manner as other real estate.

Section 5. The fact that there is now no law giving an equity of redemption after forced sales and the crowded condition of the calendar constitutes an emergency and an imperative necessity requiring that the constitutional rule that a bill shall be read on three several days, be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Privileges and Elections, to whom was referred

H. B. No. 109, A bill to be entitled "An Act providing for reports of receipts and disbursements by candidates and their campaign committees in primary elections, limiting their expenses and specifying the purposes for which such disbursements may be made; defining violations of this Act and providing penalties therefor; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed but be printed in the Journal.

Johnston of Harris, Chairman; Decherd, Collins, Page, Buchanan of Bell, Bailey.

H. B. No. 109. By Thompson of Hunt.

A BILL
To be entitled

An Act providing that all candidates

for nominations to office in primary elections shall have their campaign expenses limited; providing for reports from all candidates as to selections of their campaign committees; designating the persons who may make disbursements for such candidates, and defining the purposes for which disbursements may be made; providing for reports of all receipts, disbursements and financial obligations made in the interest of such campaigns by candidates and their campaign committees, and to whom such reports are to be made, and prescribing the nature of the same; providing that the name of no candidate shall be printed upon the official ballot who fails to make such reports; specifying amounts of money candidates and their campaign committees may spend in their campaigns for nomination to office; defining violations of this Act, and prescribing penalties therefor; repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All persons who seek the nomination of any political party authorized to nominate candidates for office under the laws of this State for the office of United States Senator, Representative in Congress, Governor, and all other State, district, county and precinct offices, of whatsoever character, are hereby declared subject to the provisions of this Act, and such candidates, in making their announcement for office, and in arranging and conducting their campaigns, shall conform to all the requirements herein prescribed as conditions upon which the names of such candidates may be printed upon their party nominating ballots.

Sec. 2. Any candidate for any office herein mentioned for which nominations are authorized under the laws of this State, may select a personal campaign committee to consist of one or more persons, to which may be given the general oversight and management of his campaign for the nomination such candidate may desire to seek in said primary election, but, before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, express or implied, to make any dis-

bursement in his behalf, it shall file with the Secretary of State, if the nomination sought is one to be made by all the voters of such party throughout the State, and with the county judge of the county of the candidate's residence, if the nomination sought is that for a district, county or precinct office, a written statement, signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof, and the name and address of the secretary thereof, if such. If such campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate for any nomination may revoke the selection of any member of such personal campaign committee by an instrument in writing, which, with proof of personal service on the member whose selection is so revoked, shall be filed with the officer with whom such appointment was filed. Such candidate may fill the vacancy thus created in the same manner in which the original appointment is made. The acts of every member of such campaign committee will be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approved the same, and that in the exercise of reasonable care and diligence he could not have had knowledge of or any opportunity to disapprove the same.

Sec. 3. No person or group of persons, other than a candidate or his personal campaign committee, shall in any campaign for the nomination for any office by the voters of his party in any primary election, make any disbursement for political purposes otherwise than through a personal campaign committee or a party committee, except that expenses incurred for rent of hall or other room for public speaking, for printing, for postage, for advertising, for distributing printed matter, for clerical assistance and for hotel and traveling expenses solely in connection with a public speaking engagement, may be contributed and paid by a person or group of persons residing within the county where such expenses are incurred, but not otherwise.

Sec. 4. No candidate for the nomination for any office authorized to

be made under the provisions of the laws of this State, shall make any disbursements except:

(1) For his personal hotel and traveling expenses, and for postage, telegraph and telephone expense.

(2) For contributions to his duly registered campaign committee.

(3) For contributions to his party committee.

(4) For other purposes authorized by law when such candidate has no campaign committee, but not otherwise.

(5) After the primary election wherein a candidate has been nominated to office, such candidate shall make no disbursement in behalf of his candidacy, except contributions to his party committee, for his own actual necessary personal traveling expenses, and for postage, telegraph and telephone expenses.

Sec. 5. No party committee nor personal campaign committee shall make any disbursements except:

(1) For maintenance of headquarters and for hall rentals, incident to the holding of public meetings.

(2) For necessary stationery, postage, and clerical assistance to be employed for the candidate at his headquarters, or at the headquarters of the personal campaign committee, or party committee incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of hand bills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines as provided by law.

(5) For actual and necessary personal expenses of public speaking.

(6) For traveling expenses of members of party committees or personal campaign committees. Nothing herein shall be construed as authorizing the employment on a salary or any other reward or inducement, of any campaign manager, or political booster or organizer.

Sec. 6. Every person who shall have any bill, charge or claim upon or against any personal campaign committee, party committee, or any candidate for any disbursement made, services rendered, or thing of

value furnished, for political purposes, or incurred in any manner in relation to any primary election held pursuant to the laws of this State, shall render in writing to such committee or candidate, such bill, charge or claim within ten days after the date of such primary election showing the nature of such bill, charge or claim, and the time and manner the same was incurred. No candidate and no personal campaign committee shall pay any charge or claim so incurred prior to any primary election which is not so presented within ten days after such primary election.

Sec. 7. Every candidate seeking the nomination for any office under the provisions of the laws of this State, and every secretary or manager of any personal campaign committee shall on the second Saturday following the first disbursement in the interest of such candidacy, or incurred the first financial obligation therefor, express or implied, and thereafter on the second Saturday of each calendar month, until all disbursements have been accounted for, and also on the Saturday preceding any primary election, file a financial statement, verified upon the oath of such candidate, or upon the oath of the secretary of committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and shall summarize all items theretofore reported under the provisions of each subdivision of this Act in a separate total, and shall state the sum and total of all disbursements up to date of the report. On or before the second Saturday after the election, a full statement shall be filed by each candidate in such primary election, and the secretary of every personal campaign committee, which statement shall include all former statements, and be as full and complete as that prescribed for the statements required to be made on the last Saturday before the primary election under the provisions of this Act; provided, that in the matter of all county and precinct candidates seeking nominations for office under the provisions of the laws of this State, the county executive committee of such party, within its discretion, may waive the making and filing of all reports required by this section of this Act, except the

final reports of such candidates, which must be made as herein prescribed.

Sec. 8. The statements required by the last preceding section of this Act, in the manner of all candidates for the offices of United States Senator, Representative in Congress from the State at large, Governor, and for all other State offices, shall be filed with the county clerk of the county where such candidate resides, and a copy thereof shall be filed with the Secretary of State; in the matter of candidates for all district, county and precinct offices, said statements shall be filed with the county clerk of the respective counties of their residence.

Sec. 9. Each statement required by this Act shall be itemized, and shall give in full detail:

(1) Every sum of money and all property, and every other thing of value received by such candidate or committee during such period, from any source whatsoever, which he uses or has used, or is at liberty to use for political purposes, together with the name of every person from whom same was received, the specific purpose for which it was received, together with the total amount received from all sources in any amounts or manner whatever.

(2) Every promise or pledge of money, property or other thing of value received by such candidate or committee during such period; the proceeds of which he uses or has used or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, and the date when each was so promised or pledged, together with the total amounts promised or pledged from all sources in any amount or manner whatsoever.

(3) Every disbursement made by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(4) Every obligation, express or implied, to make any disbursement incurred by such candidate or committee, for political purposes during such period, together with the names

of the person or persons to or with whom each such obligation has been incurred, the specific purposes for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

Sec. 10. Each and every person who shall receive any payment directly or indirectly, for political purposes in a campaign before a primary election, from any candidate or from his political manager or personal campaign committee, whether as salary or expenses, shall within thirty days after such payment has been made, or such payment has been promised, make a sworn statement showing in detail said payment or promised payment, by whom made, and what consideration or services were rendered for the same. Any person who comes within the provisions of this section, and fails to make the statements herein prescribed, shall, upon conviction, be confined in the county jail for not less than ten nor more than thirty days.

Sec. 11. Blanks for all statements required in carrying out the provisions of this Act in the matter of reports to be made by candidates and their campaign committees shall be prepared by the State Executive Committee of each political party making nominations through primary elections, and copies thereof, together with a copy of the sections of this Act prescribing the time and the manner of making such report, shall be furnished by the chairman of such executive committee to the secretary of every personal campaign committee, and to every candidate required by this Act to make out and file such reports, and to all other persons required by law to file such statement who may apply therefor.

Sec. 12. The name of no candidate for any office for which nominations are made under the provisions of the laws of this State shall be printed on the official ballots to be voted in the ensuing general election, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statement of accounts and expenses relating to the nominations of candidates for office under the provisions of this Act; provided, that in all cases wherein county executive committees have waived such re-

quirements on the part of county and precinct candidates for office, to such extent, and to such extent only, the requirements herein set forth shall not apply.

Sec. 13. Every person other than a candidate or a personal campaign committee, who shall within any twelve months before or after any primary election, make any disbursements for any political purposes relating to the nomination of any candidate to be voted for, or that has been voted for therein, exceeding in the aggregate twenty-five (\$25) dollars in amount and value, shall file within forty-eight (48) hours after making any such disbursements, causing the aggregate of such disbursements to reach such amounts, a sworn statement thereof with the clerk of the county wherein he resides. Such statement shall give in full detail, with date, every item of money, property, or other thing of value constituting any part of such disbursement, the exact means by which, and the manner in which each such disbursement is made; the name and address of every person to whom each was made, and the specific purpose for which each was made.

Sec. 14. No disbursement shall be made, and no obligation, express or implied, to make such disbursement or payment, shall be incurred by or on behalf of any candidate for the nomination for any office under the provisions of the laws of this State, which disbursements made and promised shall be in the aggregate in excess of the sum herein specified in behalf of candidates for offices respectively as follows:

Candidates for the nomination for the offices of United States Senator, Representative in Congress from the State at large and Governor, the sum of \$5000 preceding the date of the general primary election, and \$1000 additional when a contest in the second primary election is necessary.

Candidates for the nomination for all other State offices and district Representatives in Congress, \$2500 preceding the date of the general primary election, and \$500 additional in cases of contest in the second primary election.

All other candidates for the nomination for district offices, and which districts are composed of more than one county, the sum of \$1750 preceding the date of the general pri-

mary election, and \$250 additional when a contest in the second primary election shall be necessary.

All candidates for county nominations for office, and for nominations for district offices, where such districts are composed of one county only, the sum of \$750 preceding the general primary election, and \$200 additional when a contest in the second primary election shall be necessary.

All candidates for nomination for precinct offices the sum of \$350 preceding the general primary election, and \$150 additional when a contest in the second primary election shall be necessary.

Provided, that the expenditures allowed in Section 3 of this Act shall not be included in calculating the sums herein prescribed as the limits of the expenses of the respective candidates named which may be incurred in such primary elections.

Sec. 15. Any candidate for the nomination for any office provided for by the laws of this State may delegate to his personal campaign committee by a writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, but the total of all disbursements by himself and by his personal campaign committee in his behalf, shall not exceed in the aggregate the respective amounts specified in the last preceding section of this Act; provided, that all expenditures allowed in Section 3 of this Act be excluded in calculating such total amount.

Sec. 16. Any candidate for the nomination for any office provided for by the laws of this State who shall fail to do and perform any of the things or acts required of him as prescribed herein relating to the disbursement or collection of money or anything of value for political purposes, shall be guilty of a misdemeanor, and upon conviction, shall be confined in the county jail for not less than thirty nor more than one hundred days, and in addition thereto, may be fined not less than two hundred nor more than five hundred dollars, nor shall he be entitled to hold the office for which he may have been nominated, and any person who has been so convicted shall not have his name placed upon the official ballots of his party to be voted in any general election.

Sec. 17. No person shall receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement made for political purposes contrary to law.

Sec. 18. In any prosecution for the violation of the provisions set out in the last preceding section of this Act, it shall be a defense, if the accused person shall prove that he had neither knowledge that such disbursement constituted a disbursement made for political purposes contrary to law, nor any reasonable cause to believe that it constituted such disbursement.

Sec. 19. No candidate for any nomination for office subject to the provisions of this Act shall make any disbursement for political purposes except under his personal direction, which for every purpose shall be considered the act of such candidate, through a party committee, or through a personal committee, whose authority to act must be shown in a statement filed as provided by this Act.

Sec. 20. All laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed; provided, that each and every provision of the laws of this State which has for its object the prevention of the illegal or corrupt use of money or other valuable thing in any election in this State, whether general or primary election, is hereby recognized as being of equal validity and binding force as if herein re-enacted.

Sec. 21. The fact that there are now no adequate laws in this State providing for reports of candidates as to their campaign expenses and limiting the amount of the same, and the further fact of the limited duration of this session of the Legislature during which this bill may be considered and enacted into law, create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house shall be, and the same is hereby suspended, and that this Act shall take effect from and after its passage.

Enrolling Committee Reports.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 86, copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 102, copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 72, copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 46, copy of which is hereto attached and find it correctly enrolled, and have this day at 3:45 o'clock p. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Collins and S. B. No. 46.
Johnston of Harris.

An Act to provide for the creation of corporations to prevent the pollution of streams and to that end empowering such corporations to gather, impound and store water containing salt or other substances produced in the drilling or operation of oil wells or other wells; and authorizing such corporations to charge reasonable rates for ser-

vice; and prohibiting discrimination between patrons; and conferring upon such corporations the power of condemnation of necessary land and rights; authorizing corporations interested in the proper disposition of such waters to subscribe for, own and vote stock in corporations created hereunder, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That in the mode provided in Chapter 2, of Title 25 of the Revised Statutes of 1911 corporations may be created for the purpose of gathering, storing, and impounding water containing salt or other substances produced in the drilling and operation of oil and other wells, and to prevent the flow thereof into streams at times when the latter may be used for irrigation.

Section 2. Such corporations, in addition to the general powers conferred by such title upon private corporations, may acquire, own, and operate ditches, canals, pipe lines, reservoirs, and their appliances appropriate for the gathering, impounding or storage of such water, and for the protection of such reservoirs from inflow or damage by surface waters; with further power to condemn lands and rights necessary therefor under like procedure as is provided in condemnation by railroads; and also to cross with their ditches, canals, and pipe lines under any highways, canals, pipe lines, railroads and tram or logging roads; conditioned that the use thereof be not impaired longer than essential to the making of such crossings; provided that, no right is conferred to pass through any cemetery or under any residence, schoolhouse or other public building, nor to cross any street or alley of any incorporated city or town without the consent of the authorities thereof.

Section 3. In the localities in which they operate and to the extent of the facilities provided, such corporations shall serve all producers of such waters in the gathering, impounding, and storage of such waters in proportion to the needs of such producers, at fair and reasonable charges, and without discrimination between such producers under like conditions. Corporations interested

in the proper disposition of such waters may subscribe for, own, and vote stock in the corporations which may be created hereunder.

Section 4. The importance of this Act, and the absence of any law upon the subject, and the necessity for the immediate relief afforded thereby creates an emergency and an imperative public necessity that the constitutional provision requiring bills to be read on three several days be suspended, and it is suspended, and that this Act be in force and effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 26, copy of which is hereto attached and find it correctly enrolled, and have this day at 3:45 o'clock p. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Bee.

S. B. No. 26.

An Act to amend Article 2758, Chapter 12, Title 48, of the Revised Civil Statutes of the State of Texas, 1911, relating to the salaries of county superintendents of public instruction, increasing the salaries of said county superintendents, providing for office expenses, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2758, Chapter 12, Title 48 of the Revised Civil Statutes of the State of Texas, 1911, be so amended as hereafter to read as follows:

That the county superintendents of public instruction herein provided for shall receive from the available school fund of their respective counties annual salaries as follows:

In every county of 2000 or less in which the office of county superintendent has been created or may be created after this Act shall have gone into effect the county superintendent shall receive an annual salary of one thousand (\$1,000.00) dollars.

In every county that has a scholar-

tic population of 2000 or less than 3000 a county superintendent shall receive an annual salary of \$1,200.00.

In every county that has a scholastic population of 3000 and less than 4000 the county superintendent shall receive an annual salary of \$1,400.00.

In every county that has a scholastic population of 4000 and less than 5000 the county superintendent shall receive an annual salary of \$1,500.00.

In every county that has a scholastic population of 5000 and less than 6000 the county superintendent shall receive an annual salary of \$1,600.00.

In every county that has a scholastic population of 6000 and less than 7000 the county superintendent shall receive an annual salary of \$1,700.00.

In every county that has a scholastic population of 7,000 and less than 9000 the county superintendent shall receive an annual salary of \$1,800.00.

In every county that has a scholastic population of 9000 and less than 10,000 the county superintendent shall receive an annual salary of \$2,000.00.

In all counties that have a scholastic population of 10,000 or more, the county superintendent shall receive an annual salary of \$2,100.00. Provided that in making the annual per capita apportionment to the schools, the county school trustees shall also make an allowance out of the State and county available funds for salary and expenses of the office of the county superintendent of public instruction, and the same shall be prorated to the schools coming under the supervision of the county school superintendent. The compensation herein provided for shall be paid monthly upon the order of the county school trustees, provided that the salary for the month of September shall not be paid until the county superintendent presents a receipt from the State Superintendent of Public Instruction, showing that he has made all reports required of him. It is further provided, however, that no county superintendent of public instruction shall be allowed to exceed two hundred dollars annually for office and traveling expenses.

Section 2. The fact that the increased cost of living has rendered the present salaries of county superintendents in Texas entirely insufficient to their needs, and that the meagerness of said salaries is inflicting hardship upon such county superintendents and their families, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act shall be in force from and after its passage, and is it so enacted.

Committee, Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 84, copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Hudspeth.

S. B. No. 84.

An Act to establish and fix the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and creating an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this Act the salary of the Superintendent of Public Buildings and Grounds of the State of Texas shall be, and the same is hereby fixed at the sum of twenty-four hundred dollars per annum.

Section 2. That there is hereby appropriated the sum of one hundred dollars, which shall in addition to the funds already appropriated for the payment of the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, constitute the appropriation for the year ending August 31, 1918, and there is hereby appropriated the sum of four hundred dollars, which sum in addition to the appropriation heretofore made for the payment of the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, shall constitute the appropriation for the payment of the

salary of said officer for the year ending August 31, 1919.

Section 3. The fact that only a few days remain before the special session of the Legislature will be adjourned by law, and the fact that the salary heretofore provided for the office of Superintendent of Public Buildings and Grounds of the State of Texas is not adequate compensation for the duties required of said officer, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills be read on three several days in each house be suspended and same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 77, copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Robbins.

S. B. No. 77.

An Act to make additional appropriations for the support and maintenance of the State Orphan Home for the remainder of the fiscal year ending August 31, 1918, and for the fiscal year ending August 31, 1919, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support and maintenance of the State Orphan Home for the remainder of the current fiscal year, ending August 31, 1918, and for the fiscal year ending August 31, 1919, to wit:

For the support and maintenance not otherwise provided for the remainder of the year ending August 31, 1918, \$4,000.00.

For the support and maintenance

for the year ending August 31, 1919, \$9,000.00.

Section 2. The fact that a new and commodious building, having a capacity and facilities for taking care of 75 or 80 additional orphans, will be completed and ready for occupancy within thirty days from this time, and that there is a waiting list of applications of eligible and needy orphans equaling or exceeding the additional capacity but there are not funds available for the support and maintenance of such additional number of orphans who might and should be cared for, constitutes an emergency and an imperative necessity requiring that the constitutional rule providing that bills be read on three several days be suspended and that this Act shall be in force and shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 61, copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Buchanan of Bell, S. B. No. 61.
Hopkins.

An Act authorizing the Board of Nurse Examiners for the State of Texas to employ not less than three lecturers from among the registered nurses of the State to visit the different high schools, colleges and universities of the State, those supported by public as well as private funds, to arouse a greater interest among young women in the profession of nursing, with the view of securing volunteers for this work, authorizing said Board to fix the salary and compensation of said lecturers and term of their service, and providing for the payment of their compensation and expenses from fees accumulated and now in the possession of or under the control of said Board; and declaring an emergency.

Whereas, The war in which this government is now engaged has crea-

ted an abnormal demand for trained nurses which cannot be supplied from the number being graduated from the hospital training schools for nurses, and it is necessary that some unusual effort be made to induce the young women of the country to take up this work; and

Whereas, A request of this nature has been made by the National Council of Defense; and

Whereas, The Board of Nurse Examiners of this State responsive to this situation and desiring to do all they can co-operate with the National Council of Defense, is willing to undertake the work of creating a greater interest in the subject, and having accumulated a fund of over three thousand dollars fees not needed at this time for the due administration of the law creating the Board of Nurse Examiners, which is believed to be adequate to meet the expense of said lectureship, and that the same will in no sense be a charge upon the public; now, therefore

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Board of Nurse Examiners for the State of Texas be and it is hereby authorized to employ at least three lecturers from among the registered nurses of this State to visit and lecture to the young women students of the high schools, colleges and universities of the State, those supported by public as well as by private patronage or endowment, with the view of securing volunteers from among the young women of the State willing to begin at once to take training for service as professional nurses to meet the demands for trained nurses to care for our sick and wounded in the war, as well as to properly serve the civilian population in the meantime.

Sec. 2. That the said board be and it is hereby authorized to fix the salary or compensation for said lecturers, to agree upon the term of service and pay the same from the accumulated fees now on hand and under the control of said board, to be vouchered and paid as is provided in Section 6 of the Act of 1909 creating the Board of Nurse Examiners, as amended by the Act of 1911.

Sec. 3. In view of the facts set forth in the preamble of this bill and the very few days remaining for legis-

lative work at this special session, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house, and the same is so suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 55, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Hopkins.

S. B. No. 55

An Act conferring upon the Railroad Commission of Texas the power to require persons, firms, corporations and receivers, owning or operating railroads within the State of Texas, to arrange or rearrange, or relocate their railroad tracks and depot buildings at stations when and where the safety of the public may require such arrangement or rearrangement; providing procedure for such requirements; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. The authority is hereby conferred upon the Railroad Commission of Texas to inquire into the proposed or existing arrangement of railroad tracks, and depot buildings, at railroad stations in this State, to determine whether or not proposed or existing arrangement of such tracks, switches and depot buildings is or may be dangerous to the public and to determine whether or not the public interest demands or may demand a rearrangement or relocation of such tracks, switches and depot buildings to be made, and to determine whether or not such rearrangement or relocation can be made upon terms and conditions reasonable and just to the person, firm, corporation or receiver owning or operating such tracks, switches and depot buildings, and the Railroad Commission may if the aforesaid questions can, under the facts, be resolved affirmatively, thereupon give notice to

such persons, firm, corporation or receiver, and after public hearing and investigation, may require the person, firm, corporation or receiver, owning or operating such tracks, switches and depot buildings at such points to arrange, or rearrange, or relocate the same in accordance with the specifications made by the Railroad Commission. Provided, however, that no such arrangement, rearrangement, or relocation, shall be authorized or required within the limits of any incorporated city or town without the express consent of the governing body of such city or town.

Section 2. The fact that there is a question as to the authority of the Railroad Commission of Texas to require railroad companies to rearrange their tracks, and depot buildings where the safety and welfare, in the opinion of the Commission demand it, and the near approach of the end of the present session, creates an emergency and an imperative public necessity calling for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room.

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 44, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Vice Chairman.

By Caldwell.

S. B. No. 44

An Act to amend Section 4, Chapter 8, General Laws of the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled "An Act to create a State Council of Defense, defining its powers and duties, making an appropriation to carry on the work of said Council of Defense and declaring an emergency" so as to provide that no member of the Council shall ever be paid any salary or per diem for his services, except the Secretary and assistant secretaries who may be members of the Council, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Section 4 of Chapter 8 of the General Laws of the First Called Session of the Thirty-fifth Legislature approved May 14, 1917, being "An Act to create a State Council of Defense, defining its powers and duties, making an appropriation to carry on the work of said Council of Defense, and declaring an emergency" be amended so as to hereafter read as follows:

"Section 4. The Council herein created shall have the right to employ such assistance and clerical force as may be necessary to carry on its work, but no member of the Council shall ever be paid any salary or per diem for his services but may be paid for reasonable and necessary traveling expenses while engaged in performing his duties, except that the secretary and assistant secretaries of such Council may be members thereof and may be paid such salaries for such services as such Council may determine.

Section 2. The fact that the United States is now at war and the fact that there is no adequate financial provision for the payment of the salaries of the secretary and assistant secretaries of the State Council of Defense who may be members thereof and the further fact that this is a called session and the crowded condition of the calendar and the near approach of the end of the session creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 36, copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Buchanan of Scurry. S. B. No. 36.

An Act to amend Article 5376 Revised Civil Statutes of 1911 and to repeal Article 5379 of the same Statute both relating to the de-

livery of patents, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 5376 of the Revised Civil Statutes of 1911 is hereby amended so as to hereafter read as follows:

Article 5376. The Commissioner of the General Land Office is hereby authorized and required to issue patents when it appears from the books of said office that full payment for the land has been made, where payment is required, and all legal fees due thereon have been paid into said office and not withdrawn, including the legal fee or fees for the recording of said patent in the county or counties in which the land may be located. When one applies for a patent such person shall, in addition to other sums of money legally due as payment for the land and other sums due as legal fees, remit to the Land Office the sum of one dollar for each and every county in which the land may be wholly or partly located and give the name and address of the owner or agent. When the patent is ready for delivery the Commissioner shall send it by registered mail to the county clerk of the county in which the land, or a part thereof is located, or to the clerk of the county to which such county may be attached for judicial purposes, together with the receiver's check for one dollar for each and every county in which the land may be wholly or partly located, and accompany same with the name and address of the owner or his agent. Upon receipt of the patent and the fee, the clerk shall record the patent and deliver it to the owner or his agent either in person or by registered mail, if the land be wholly located in such county. If the land be located in two or more counties the patent, together with the required fee and the name and address of the owner or his agent, shall be forwarded by registered mail by each clerk to the clerk of another proper county until the patent shall have been recorded in each county and thereupon the patent shall be delivered to the owner or his agent either in person or by registered mail. All undelivered patents now in the Land Office on which fees have been paid shall be sent to the clerk of the county in which

the land, or a part thereof is located, or to the clerk of the county to which such county may be attached for judicial purposes, and after being recorded in the last county as provided herein for other patents the clerk shall deliver the patent to the proper person upon payment of the recording fee.

Sec. 2. Article 5379 of the Revised Civil Statutes of 1911 is hereby repealed.

Sec. 3. The importance of the legislation proposed herein to the administration of the General Land Office and to the records of land titles creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this be placed upon third reading and final passage and take effect from and after its passage.

Committee Room,

Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Committee Substitute for Senate Bill No. 30, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Strickland. C. S. S. B. No. 30.

An Act making an additional appropriation to complete the construction, equipment and furnishing of the hospital for negro insane at Rusk, Texas, for care and treatment of persons of the African race or African descent, as provided for in Chapter 198, General Laws of the Regular Session of the Thirty-fifth Legislature; providing when the appropriation shall become available, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby appropriated the sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary, out of general revenues in the State Treasury not otherwise appropriated to complete the construction, equipment and furnishing of the hospital for negro insane at Rusk, Texas, for

the care and treatment of persons of the African race or African descent, as provided for in Chapter 198, General Laws of the Regular Session of the Thirty-fifth Legislature.

Sec. 2. The appropriation herein made shall be available from and after September 1, 1918.

Sec. 3. The fact that the original appropriation for the construction of this hospital is inadequate to complete the construction and equipment of this hospital according to the plans and specifications of the architect in charge, and the further fact that there are about seven hundred and fifty (750) negro insane in the State insane asylums in Austin and Terrell and several hundred negro insane in the county jails, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule which requires all bills to be read on three several days, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 23, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By McNealus.

S. B. No. 23.

An Act to amend Section 15 of Chapter 5 of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas, which Act was entitled 'An Act regulating the business of co-operative savings and contract loan companies,' so that hereafter such companies may invest their funds in mortgages which shall be a first lien on real estate located in the State where the contract holder resides at the time such contract is issued, and further permitting such companies to invest their funds in Liberty Bonds and other certificates of indebtedness which have or may hereafter be authorized by the United States Congress, fixing the amount of loans, making it the duty of the Commissioner of

Insurance and Banking to examine the books of such corporation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That on and after the passage of this Act, Paragraph 3 of Section 15 of Chapter 5 of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas shall read as follows:

(3) In loans to certificate holders on bonds secured by mortgage which shall be a first lien on real estate located in the State where the contract holder resides at the time such contract is issued and not to exceed sixty-five per cent of the cash value thereof, payable in certificates of the company or by periodical installments; except where any company holds a mortgage on real estate which is a first lien, such company may increase its loan thereon and secure the same by a second or subsequent mortgage; provided, the total indebtedness to the company, less the amount paid on certificates pledged for such loan shall not exceed sixty-five per centum of the cash value of the real estate loaned on and all mortgages held by such company shall be prior to any other incumbrance on said real estate.

Sec. 2. By adding thereto a new paragraph, which shall read as follows:

(7) In the purchase, so long as the present war between the United States of America and the imperial government of Germany shall continue, of Liberty Bonds issued by the United States Congress and in such short time certificates of indebtedness as may have been heretofore or as may hereafter be authorized by the United States Congress.

Sec. 3. That on and after the passage of this Act, Section 2 of Chapter 5 of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas shall read as follows:

Section 2. All such corporations shall be under the supervision and control of the Commissioner of Insurance and Banking, and it shall be his duty, at least once every twelve months, to cause the books of such corporations to be examined, the expense of such examination to be paid by such corporations in the same manner as now required by law for

the examination of insurance companies.

Sec. 4. The fact that the United States of America is now at war with the imperial government of Germany and has issued certain certificates of indebtedness which are valid and subsisting obligations upon the part of the United States Government and that certain companies regulated by the provisions of this chapter are desirous of investing their funds in such certificates of indebtedness and are prohibited by the present law from so doing, creates an emergency and an urgent need of the proposed legislation herein and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act may take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 23, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 22 copy of which is hereto attached and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Alderdice, McNea- S. B. No. 22.
lus, Robbins,
Hall.

An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59 of Article 16 of the State Constitution, to be known as Levee Improvement Districts, for the purpose of reclaiming lands from overflow rivers, creeks and streams, by systems of levees, drainage and other improvements; prescribing how such districts may be created; defining their rights, powers and privileges, and the manner of their exercise; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such; providing for the construction, maintenance and protection of works and improvements erected by them; making penal interference with or injury to their works or improvements, and fixing penal-

ties and punishment to be imposed on persons offending in those regards, as well as for building levees without lawful authority; granting to such districts the right of eminent domain, and the power to levy taxes and cause the same to be assessed and collected, and to issue bonds and create indebtedness to raise funds for the objects of their creation; making all laws upon this subject passed at the Fourth Called Session of the Thirty-fifth Legislature of Texas cumulative; and declaring an emergency

Be it enacted by the Legislature of the State of Texas:

Section 1. There may be created within this State conservation and reclamation districts, to be known as Levee Improvement Districts, for the purpose of constructing and maintaining levees and other improvements on, along and contiguous to rivers, creeks and streams, for the purpose of reclaiming lands from overflow from such streams, and for the proper drainage and other improvement of such lands, all as contemplated in Section 59, Article 16, of the Constitution of this State, for the conservation and development of the natural resources of this State, which said districts shall have and may exercise all the rights, powers and privileges given by this Act, and in accordance with its directions, limitations and provisions.

Sec. 2. When it is proposed to create a levee improvement district wholly within one county there shall be presented to the commissioners' court of the county in which the lands to be included in such district are located, or to the county judge of the county if the commissioners court is not in session, a petition signed by the owners of a majority of the acreage of such proposed district, setting forth the proposed boundaries thereof, the general nature of the work proposed to be done, the necessity therefor and the feasibility thereof, and designating a name therefor, which shall include the name of the county in which it is situated, which petition shall be accompanied by a deposit of fifty dollars; and when it is proposed to create such a district to be composed of lands in two or more counties then a petition of the nature above indicated, signed by the own-

ers of a majority of the acreage of such proposed district, shall be presented to the commissioners court of the county, or, if the court is not in session, to the county judge thereof, in which is located the greater amount of acreage of such proposed district, which shall be the county of jurisdiction in respect to all matters concerning said district, and the name of which county shall be included in the name of such district; and, upon presentation of either such petition, it shall be the duty of the court to which it is presented, or the county judge of such county if the court be not in session, to fix a time and place at which such petition shall be heard before the commissioners court of the county wherein it is filed, which date shall be not less than fifteen nor more than thirty days from the date of the order, and to order and direct the county clerk of such county, as ex officio clerk of the commissioners court thereof, to issue a notice of such time and place of hearing, which notice shall inform all persons concerned of the time and place of hearing and of their right to appear at such hearing and contend for or contest the formation of such district, as their interests may dictate, and to deliver notice to any adult person who is willing to execute the same by posting, as hereinafter directed. The order shall further direct the clerk forthwith to issue a notice of the filing of such petition and of its general purport, stating the time and place of hearing, which shall be mailed forthwith to the State Reclamation Engineer at his office in Austin, Texas.

Sec. 3. Upon receipt of the notice above provided for by any adult person willing to receive and execute the same, it shall be the duty of such person, or persons, if more than one shall act, if the district is wholly within a county, to post a copy of such notice at the door of the court house of said county, and copies at four different places within such proposed district; and if the district be composed of more than one county then there shall be posted a copy of such notice at the door of the court house of each county in which any portion of the proposed district is located, and four copies in four different places within the boundaries of the proposed district and within each county in which any portion of the lands to be included in

said district is located. Such posting shall be for not less than ten days prior to the date fixed for the hearing, and the person, or persons, so posting shall make affidavit, before some officer authorized by law to administer oaths, of his, or their, action in respect to such posting, and such affidavit when so made shall be conclusive of the facts sworn to.

Sec. 4. A petition for the formation of such district, if the district is wholly within one county, shall be accompanied by a deposit of fifty dollars, and if the district is proposed to be located in more than one county it shall be accompanied by a deposit of seventy-five dollars, which deposit shall be paid to the clerk of the court of jurisdiction, who shall therefrom, upon vouchers approved by the county judge, pay all expenses incident to the hearing herein provided for, returning any excess to the petitioners or their attorney.

Sec. 5. The State Reclamation Engineer, upon receipt of the notice to him herein provided for, shall forthwith, by himself or deputy, examine said proposed district and do, or cause to be done, such work in respect thereto as may be necessary to enable him to determine the necessity, feasibility and probable costs of reclaiming the lands of such district from overflows, and the proper drainage thereof, together with the costs of organizing such district and the maintenance thereof for a period of two years, and he shall, by himself or deputy, attend the hearing and file his written report in respect to the matters concerning which he has investigated, and give to the court such further additional information as may then be required.

Sec. 6. At the time and place set for the hearing of the petition, or such subsequent date as may then be fixed, the court shall proceed to hear such petition and all issues in respect to the creation of such proposed district, and any person interested may appear before the court in person or by attorney and contend for or contest the creation of such district, and offer testimony pertinent to any issue presented. Such court shall have exclusive jurisdiction to determine all issues in respect to the creation, or not, of such district, and of all subsequent proceedings in respect to said district if the same should be created. Such hearing may be adjourned from day to

day and from time to time, as the facts may require. The court shall have power to make all incidental orders deemed proper in respect to the matters before it.

Sec. 7. If, upon the hearing of such petition, it be found that the same is signed by the owners of a majority of the acreage of the proposed district, and that due notice has been given, and that the proposed improvements are desirable, feasible and practicable, and would be a public utility and a public benefit, and would be conducive to public health, then such court shall so find and render judgment reciting such findings and creating and establishing such district, which judgment and findings shall be embodied in an order which shall be entered of record in the minutes of said court, which order shall define the boundaries of such district, which need not include all of the lands described in the petition, if, upon the hearing, a modification or change is found necessary or desirable. A levee improvement district created as herein specified shall be a governmental agency and a body politic and corporate, with such powers of government and with the authority to exercise such rights, privileges and function concerning the purposes for which it is created as may be conferred by this Act, or any other law of this State to the benefits of which it may become entitled.

Sec. 8. Levee improvement districts created under this Act or entitled to the benefits of its provisions, subject to the supervision and direction of the State Reclamation Engineer, or other superior authority created by law, and subject to the limitations in this Act contained, shall have full power and authority to build, construct, complete, carry out, maintain, protect, and, in case of necessity, add to and rebuild, all works and improvements within their district necessary or proper to fully accomplish any plan of reclamation lawfully adopted for or on behalf of such district, and may make all necessary and proper contracts, and employ all persons and means necessary or proper to that end; and in the accomplishment of such purposes they may or may not issue bonds, and may or may not incur indebtedness; provided, that no bonds by or on behalf of such district shall be issued nor shall any indebtedness against the same be incurred unless the proposition to issue such bonds or to incur such indebted-

ness shall be first submitted to the qualified property tax paying voters of such district, and the proposition adopted by a majority vote of the tax paying voters of the district voting at an election held to determine such question; and no enumeration of specific powers in this Act shall be held to be a limitation upon the general powers hereby conferred except as may be distinctly expressed.

Sec. 9. The right of eminent domain is hereby expressly conferred upon all levee improvement districts established under the provisions of this Act, for the purpose of enabling such districts to acquire the fee simple title, easement or right of way to, over and through any and all lands, waters, or lands under waters, private or public (except land and property used for cemetery purposes), within, bordering upon, adjacent or opposite to such districts, necessary for making, constructing and maintaining all levees and other improvements for the improvement of a river or rivers, creek or creeks, or streams, within or bordering upon such districts, to prevent overflows thereof. In the event of the condemnation, or the taking, damaging or destroying of any property for such purposes, the improvement district shall pay to the owner thereof adequate compensation for the property taken, damaged or destroyed. All condemnation proceedings or suits in the exercise of eminent domain under this Act shall be instituted under the direction of the district supervisors, and in the name of the levee improvement district, and all suits or other proceedings for such purposes and for the assessing of damages, and all procedure with reference to condemnation, the assessment of and estimating of damages, payment, appeal, the entering upon the property pending the appeal, etc., shall be in conformity with the statutes of this State for the condemning and acquiring of right of way by railroad companies, and all such compensation and damages adjudicated in such condemnation proceedings, and all damages which may be done to the property of any person or corporation in the construction and maintenance of levees or other improvements under the provisions of this Act shall be paid out of any funds or properties of said levee improvement district, except taxes necessarily applied to the payment of the sinking fund and the interest on the district bonds.

Sec. 10. The district supervisors of any district are hereby empowered to acquire the necessary right of way for all levees and other necessary improvements contemplated by this Act, by gift, grant, purchase or condemnation proceedings; and they may by the same methods acquire any levees or other improvements already constructed.

Sec. 11. The supervisors of any district and the engineer and employes thereof are hereby authorized to go upon any lands lying within or adjacent to said district for the purpose of examining same with reference to the location of levees, drainage ditches and all other kinds of improvements to be constructed for or within such district, and for any other lawful purpose connected with their plan of reclamation, whether herein enumerated or not.

Sec. 12. The said levee improvement districts are hereby authorized and empowered to make all the necessary levees, bridges and other improvements across or under any railroad embankments, tracks or right of way, or public or private roads or the rights of way thereof, or levees or other improvements of other districts, or other such improvements and the rights of way thereof, or to join such improvements thereto, for the purpose of enabling the said levee improvement districts to construct and maintain any or all of the improvements necessary for the said district; provided, however, that notice shall first be given by said levee improvement district to the proper railroad authorities or other authorities or persons, relative to the additions or changes to result from the improvements contemplated by the said levee improvement district; and the said railroad authorities or other authorities, or persons, shall be given thirty days in which to agree to the said work, or to refuse to agree thereto, or in which they, if they so desire, may at their own expense construct the said improvements in their own manner; provided, such design or manner of construction shall be satisfactory to the said levee improvement district and approved by the State Reclamation Engineer or his deputy.

Sec. 13. Levee improvement districts are hereby given the right of way across all public or county roads, but they shall restore such roads where crossed to their previous condition for use, as near as may be.

Sec. 14. Levee improvement districts shall have authority to act jointly with

each other, with political subdivisions of the State, with other States, and with the Government of the United States, in the performance of any of the things permitted by this Act; such joint acts to be done upon such terms as may be agreed upon by their supervisors, subject to the approval of the State Reclamation Engineer.

Sec. 15. When a levee improvement district has been created under this Act the court creating the same shall forthwith appoint by a majority vote three supervisors for such district, who shall be known as "district supervisors," and who shall be owners of real property within such district, and whose duties shall be as hereinafter provided. Said supervisors shall each receive for his services not more than five dollars per day for the time actually engaged in work for said district and all expenses while so engaged, to be paid upon rendition of sworn accounts, approved by the county judge of the county having jurisdiction; and they shall hold their offices for two years, and until their successors are appointed and qualified, unless sooner removed by a majority vote of the court of jurisdiction; and any vacancy in office shall be filled by a majority vote of the court having jurisdiction, which court shall continue from time to time to appoint supervisors in order that the board may always be full.

Sec. 16. Before entering upon their duties the district supervisors shall each take and subscribe before some officer authorized to administer oaths, an oath to faithfully and impartially discharge his duties as supervisor and render true accounts of his services and expenses, and each shall enter into bond with good and sufficient security, payable to the levee improvement district, in the sum of one thousand dollars, unless the court of jurisdiction shall fix a larger amount, which it may do when in its judgment the interests of the district may so require, which bond shall be conditioned for the faithful performance of the duties of such supervisor and that he will render true accounts of his services and expenses, which bond shall be approved by the county judge of the county the commissioners court of which has jurisdiction, and shall be filed with the clerk of the court having jurisdiction and by him entered of record in his office, and the original bond shall be retained on file.

Sec. 17. District supervisors, after their qualification, shall organize by electing one of their number chairman and one vice chairman, and shall elect a secretary, who need not be a member of the board; and an engineer and such other employes or assistants as may from time to time be found necessary to the successful carrying on and completion of the work and business of the district; they shall certify their organization and the name of their engineer, who shall be known as "district engineer," to the commissioners court of the county having jurisdiction.

Sec. 18. The district engineer, subject to the authority of the State Reclamation Engineer, shall have control of the engineering work of the district, and shall, with such assistants as may be necessary in the judgment of the board of supervisors, as soon as practicable after his appointment, make a survey of the lands within the boundaries of the district and of all lands adjacent thereto that will be improved or reclaimed, in whole or in part, by any system of levees and drainage that may be adopted; and shall make report in writing to the board of supervisors of his work in this regard, with maps and profiles of his surveys, which report shall contain a full and complete plan for draining, constructing levees and reclaiming the lands of the district from overflow of or damage by water from the streams in or adjacent to such district, and whose waters may in any wise affect the same, which plan may include, and where necessary shall include, costs of straightening streams from which injury to the lands of said district may result; and shall also in such report indicate the physical characteristics of the lands within the district, the location of any public roads, railroads, or the rights of way or roadways and other property or improvements located on said lands; a duplicate of which report shall be filed with the State Reclamation Engineer, for his approval. Such report before adoption may be modified by the State Reclamation Engineer, or by the board of supervisors, with his approval, and when approved by the State Reclamation Engineer and adopted by the board of supervisors, the same shall be known as and shall be designated as "the plan of reclamation."

Sec. 19. As soon after the approval and adoption of the plan of reclamation as practicable the board of district supervisors shall appoint three disinterested commissioners, who shall be known as "commissioners of appraisement," and who shall be freeholders but not owners of land within the district for which they are to act, and neither shall be related within the fourth degree of affinity or consanguinity to either of the district supervisors; and such commissioners of appraisement shall proceed as follows:

Sec. 20. The secretary of the board of supervisors, immediately following the appointment of the commissioners above mentioned, shall in writing notify each of his appointment, and in the notice designate a time and place for the first meeting of such commissioners; it shall be the duty of the commissioners to meet at the time and place specified, or as soon thereafter as may be found practicable at some time and place to be agreed upon by them, when they shall each take and subscribe an oath that they will faithfully and impartially discharge their duties as such commissioners, and make true report of the work done by them, and at such meeting the commissioners shall organize by electing one of their number chairman and one vice chairman, and the secretary of the board of supervisors, or, in his absence, such person as the board of supervisors may appoint, shall be secretary of said board of commissioners during their continuance in office, and shall furnish to them such information and such assistance as may be within his power and necessary to the performance of their duties.

Sec. 21. Within thirty days after qualifying and organizing as above directed, the commissioners shall begin their duties, and they may at any time call upon the attorney of the district for legal advice and information relative to such duties, and may, if necessary, require the presence of the district engineer, or one of his assistants, at such times and for so long as may be necessary to the proper performance of their duties. Said commissioners shall proceed to view the lands within such district, or that will be affected by the plan of reclamation for such district, if carried out, and all public roads, railroads, rights of way

and other property or improvements located upon such lands, and all such lands without the district as may be acquired under the provisions of this Act for any purpose connected with or incident to the fully carrying out of the plan of reclamation; they shall assess the amounts of benefits and all damages, if any, that will accrue to any tract of land within such district, or to any public highway, railroad and other rights of way, roadways or other property, from carrying out and putting into effect the plan of reclamation for such district. The board shall prepare a report of their findings, which shall show the owner of each piece of property examined, and on or concerning which any assessment is made, together with such description of said property as may identify the same, with the amount of damages and all benefits assessed for and on account of or against the same, as well as the value of all property to be taken or acquired for rights of way or any other purpose connected with the carrying out of the plan of reclamation as finally approved by the State Reclamation Engineer; which report shall be signed by at least a majority of the commissioners and filed with the secretary of the board of supervisors of the district, which report shall also show the number of days each commissioner has been employed and the actual expenses incurred by each during his service as commissioner; and each shall be paid by the district five dollars per day for his services, and all necessary expenses in addition thereto, upon the approval of his accounts for such per diem and expenses by the board of supervisors. Said commissioners shall in their report fix a time and place when and where they will hear objections thereto, and such date shall be not less than twenty days from the filing of such report.

Sec. 22. When the report of the commissioners shall have been filed with the secretary of the board of supervisors he shall forthwith give notice by publication in a newspaper published in each county wherein any portion of the district is located, for at least once a week for two consecutive weeks prior to the date fixed for such hearing, of the time and place of such hearing, and he

shall also mail a written notice to each person whose property will be in anywise affected by the carrying out of the plan of reclamation, if his postoffice is known, stating the time and place of such meeting, which notice shall state in substance that the report of the commissioners to assess benefits and damages accruing to the land and other property by reason of the plan of reclamation for the district in question has been filed in his office, and that all persons interested may examine the same and make objections thereto in whole or in part, and that the commissioners will meet on the day and at the place named for the purpose of hearing and acting on objections to such report; and the secretary upon the day of the hearing shall file in his office the original notice, with his affidavit thereto, showing the manner of publication and the names of all persons to whom notices have been mailed, and that the postoffice was unknown to him and could not be ascertained by reasonable diligence; and copies of such notice and affidavit shall be filed, one with the commissioners of appraisement and one with the clerk of the commissioners' court having jurisdiction.

Sec. 23. At or before the hearing upon the report of the commissioners of appraisement any owner of land or other property affected by such report or the plan of reclamation may file exceptions to any or all parts of such report, and said commissioners at the time and place specified in the notice shall proceed to hear and pass upon all such objections, and where such objections are sustained, in whole or in part, may make such changes and modifications from time to time as may be necessary to conform the report to their findings. When the commissioners shall have finally acted they shall make decree confirming such report, in so far as it is confirmed, and approving and confirming the same as modified or changed, in so far as it may be modified or changed. The commissioners shall have power to adjudge and apportion costs incurred upon the hearing in such manner as may be deemed equitable. The findings of the commissioners as to benefits and damages to lands, railroads, and other real prop-

erty within the district shall be final and conclusive. The final decree and judgment of the commissioners shall be entered of record in the minutes of the board of supervisors and certified copies thereof shall be filed with the county clerk of each county in which any portion of the lands within such district are located, as a permanent record of such county; and such filing shall be notice to all persons of the contents and purposes of such decree.

Sec. 24. After the action of the commissioners of appraisalment, as aforesaid, their final findings, judgment and decree, until lawfully changed or modified, shall form the basis of taxation within and for the levee improvement district for which they shall have acted for all purposes for which taxes may be levied by, for or on behalf of such district, and all such taxes shall be apportioned and levied on each tract of land, railroad and other real property in the district in proportion to net benefits to the property named in such final judgment or decree, as shown thereby. In all matters before the commissioners of appraisalment, parties interested may not only appear in person or by attorney, or both in person and by attorney, but they shall be entitled to process for witnesses, to be issued by the chairman of the commissioners of appraisalment on demand, and such commissioners shall have the same power as a court of record to enforce the attendance of witnesses.

Sec. 25. Levee improvement districts created under this Act, desiring to effect and carry out their plans of reclamation without the issuance of bonds, shall, subject to the limitations hereinabove stated, be authorized and empowered, through their boards of supervisors, to make such arrangements by contributions from land owners, or otherwise, as may be necessary to provide the funds requisite to the completion of their improvements; and may, by vote of the resident property taxpayers of such districts, create such indebtedness, to be evidenced otherwise than by bonds, as may be deemed requisite. Provided, such indebtedness shall never exceed the cost of construction of improvements to be made according to the adopted plan of reclamation approved by the State Reclamation Engineer, and the cost of the maintenance of such im-

provements for two years as estimated by him, plus ten per cent additional to meet emergencies, modifications and changes lawfully made.

Sec. 26. Where any levee improvement district desires to issue bonds to raise funds for its works of improvement, there shall be presented to the commissioners court having jurisdiction, or to the judge thereof, in vacation, a petition signed by the owners of a majority of the acreage of lands included within such district, praying for the issuance of bonds to an amount stated, which amount shall not exceed the estimated costs of the improvements to be made, and the maintenance of the works of improvement for two years, as approved by the State Reclamation Engineer, plus ten per cent additional to meet emergencies, modifications and changes lawfully made. The petition shall state the rate of interest to be borne by such bonds, and pray that an election be ordered within and for such district to determine whether or not bonds shall be issued by and on behalf of said district for the purposes above indicated, and to the amount stated, and whether taxes shall be levied within and for said district in payment thereof; provided, that said bonds shall bear a rate of interest not exceeding six per cent per annum.

Sec. 27. Upon presentation of such petition such commissioners court, if in session, or the judge thereof if the court be not in session, shall make and cause to be entered of record upon the minutes of said court an order directing that an election be held within and for such levee improvement district at a date to be fixed in the order, to be not less than fifteen nor more than thirty days after the date of such order, for the purpose of determining the questions mentioned in such petition. At such election those desiring to vote in favor of the issuance of bonds and levy of taxes in payment thereof, shall have written or printed on their ballots: "For the issuance of bonds and levy of taxes in payment thereof"; and those desiring to vote against the proposition submitted shall have printed or written on their ballots: "Against the issuance of bonds and levy of taxes in payment thereof". Each and every levee improvement district is hereby constituted an election precinct for

the purpose of the election above specified, and all other elections which may be ordered or held under any provisions of this Act. When elections are ordered the judge or court ordering the same shall fix the polling place or places for the holding of such election, and name a judge and two clerks at each polling place, and more judges or clerks if deemed necessary; and there shall be at least one polling place in each county in which any portion of the district is located.

Sec. 28. When a petition for a bond election is presented it shall be accompanied by a deposit of two hundred dollars, from which shall be paid all expenses of such election, and such other expenses as may be properly incurred up to the sale and issuance of bonds, and any excess shall be returned to the petitioners or their attorney; and when bonds are issued the amount of such expenses shall be refunded to the petitioners or their attorney from the proceeds of the bonds.

Sec. 29. When an order for an election has been made, the clerk of the commissioners court of the county having jurisdiction shall forthwith issue and place in the hands of the sheriff of the county, if the district is wholly within one county, a notice stating in substance the contents of such election order, and the time and place or places of such election, and it shall be the duty of such sheriff, by himself or deputy, forthwith to post a copy of such notice at the door of the court house of his county, and four other copies at four different places within the boundaries of such district, which posting shall be done not less than ten days prior to the date fixed for said election; if such district is located in more counties than one, then such notice may be delivered to any adult person, who shall post copies of the same, one at the door of the court house of each county in which any portion of such district is situated, and four copies at four separate places within the boundaries of those portions of the district situated in each county, which posting shall be for not less than ten days prior to the date of said election; such sheriff or person posting shall make due return to the clerk of the court having jurisdiction of his action in the premises; the return of the individual other than the sheriff

to be under oath, before some person authorized by law to administer oaths, and the return of the sheriff and such oath shall be conclusive evidence of the facts stated.

Sec. 30. All elections held under any provisions of this Act shall be governed as near as may be by the general election laws of this State, except as modified hereby, and shall be held and conducted by the judges and clerks appointed by the court of jurisdiction, or, in their absence or refusal to act, by others chosen by the voters, and the supervisors of the district shall furnish all necessary ballots and other election supplies requisite to such election. None but qualified property tax paying voters of such district shall vote at any election to authorize the issuance of bonds by or on behalf of the district or for the creation of any indebtedness against any district.

Sec. 31. Immediately after any election under this Act the officers holding the same shall make returns of the result thereof to the commissioners court having jurisdiction, and return the ballot boxes to the clerk of said court, who shall safely keep the same and deliver them, together with the returns of the election, to the commissioners court of jurisdiction at its next regular or special session, and said court shall at such session canvass the vote and returns, and if it be found that the proposition submitted has been adopted by a majority of the qualified voters of such district voting at said election, then the court shall declare the result, and, if the election be for the issuance of bonds, shall declare that it resulted in favor of the issuance of bonds and the levy of taxes in payment thereof; and, if the result be against the issuance of bonds, then it shall declare that the result was against the issuance of bonds and the levy of taxes in payment thereof; and, if the question be for a maintenance tax, or other tax, then it shall declare the result to be for or against such tax, as the case may be; or, if the question be any other proposition which may be properly submitted at an election, the order shall declare the result to be for or against the proposition submitted, as the case may be, and an order, or orders, declaring such result shall be entered upon the minutes of such court.

Sec. 32. If, at the time of petition

for a bond election, or at any other time, the supervisors of any district created under this Act, or entitled to its benefits, shall desire to have submitted to the voters of the district the question of a maintenance tax, or other proposition proper to be submitted to them, they shall petition the commissioners court of jurisdiction for an election upon the question so desired to be submitted, and it shall be the duty of the court to order an election, and that notice be given substantially as in case of a bond election, and notice shall be given substantially as in case of such elections, and all other proceedings shall be had in respect to the question so submitted substantially in accordance with the provisions hereof in respect to a bond election.

Sec. 33. If a bond election in any district created under this Act or entitled to its benefits shall have resulted in favor of the issuance of bonds and levy of taxes in payment thereof, after such result has been duly declared the commissioners court of jurisdiction shall make an order directing the issuance of bonds of such district, to be known as "Levee Improvement Bonds," to the amount voted, unless a less amount was requested by the district supervisors, which bonds shall state upon their faces the purpose for which they are issued. Said bonds shall be issued in the name of the levee improvement district by and on behalf of which they are voted, shall be signed by the county judge of the county whose commissioners court has jurisdiction, and shall be attested by the county clerk of said county, and the seal of the commissioners court of such county shall be affixed to each; they shall be issued in such denominations, and payable at such time or times, not exceeding thirty years from their date, as may be deemed most expedient by the issuing authority, and shall bear interest not to exceed six per cent per annum.

Sec. 34. When bonds shall have been issued by and on behalf of any levee improvement district the supervisors of such district shall procure and deliver to the treasurer of the county whose commissioners court has jurisdiction a well bound book in which a record shall be kept of all such bonds, with their number, amount, rate of interest, date of issuance, when due, where payable, amount received for same, and the tax levy to pay interest

on and to provide sinking funds for their payment, which book shall at all times be open to the inspection of the parties interested, either as tax payers or bond holders; and upon payment of any bond an entry thereof shall be made on such book. The county treasurer shall receive for his services in recording all these matters the same fees as may be allowed by law to the county clerk for recording deeds.

Sec. 35. Before any bonds issued by or on behalf of any levee improvement district are offered for sale there shall be forwarded to the Attorney General a certified copy of all proceedings had in the organization of the district and with reference to the issuance of such bonds in connection with the bonds themselves, and such other information with respect thereto as may be required by the Attorney General shall be furnished; and it shall be the duty of the Attorney General to carefully examine said bonds, in connection with the record, and the Constitution and laws of this State governing the issuance of such bonds, and, if, as a result of his examination, the Attorney General shall find that such bonds are issued in conformity with the Constitution and laws of this State and that they are valid and binding obligations upon the district by or on behalf of which they are issued, he shall so officially certify, and, until he shall so officially certify, and until registered by the Comptroller, as hereinafter required, said bonds shall be without validity.

Sec. 36. When the bonds of any levee improvement district have been examined and approved by the Attorney General and his certificate thereto has issued, they shall be registered by the State Comptroller in a book kept for that purpose, and the certificate of the Attorney General as to the validity of such bonds shall be preserved of record. Such bonds after receiving the certificate of the Attorney General, and after having been registered in the Comptroller's office, as herein provided, shall be held, in every action, suit or proceeding in which their validity may be brought into question, prima facie valid; and in every action brought to enforce collection of such bonds and interest thereon, the only available defense against the validity of such bonds shall be forgery or fraud.

Sec. 37. When bonds shall have been issued, approved and registered as provided in this Act, the court of jurisdiction may appoint the

county judge of the county of jurisdiction, or other suitable person, to sell said bonds on the best terms and for the best price possible and approved by the district supervisors, and no sale shall be complete until approved by such supervisors. The judge or person selling such bonds shall be allowed, as full compensation for all services performed in respect thereto, one-fourth of one per cent of the amount received, and, except such commission, shall promptly pay over to the proper treasurer or depository the proceeds of said bonds, to be placed to the credit of such levee improvement district; but, before proceeding to make any sale, such judge, or any person appointed, shall execute a good and sufficient bond, payable to the levee improvement district, and approved by the commissioners' court having jurisdiction, for an amount not less than the par value of the bonds to be sold, conditioned for the faithful discharge of his duty under his appointment.

Sec. 38. When bonds shall have been issued by any levee improvement district the taxing authorities of such district shall levy and cause to be assessed and collected taxes upon all the real property and railroads within such district, based upon and proportioned, as to each piece of property, to the net benefits which it shall have been found will accrue to such property from the completion of the plan of reclamation or other duly authorized work, which taxes shall be sufficient in amount to pay the interest on such bonds as it shall fall due, and to raise an additional sum which will create a sinking fund sufficient to discharge and redeem such bonds at maturity; and such taxes shall thereafter be levied annually so long as such bonds or any of them are outstanding, sufficient in amount to accomplish the purposes above indicated. Sinking funds shall from time to time be invested in such county, municipal, district or other bonds as other sinking funds may by law be invested in, or in bonds of the series to which such funds apply, if offered for redemption before maturity upon terms deemed advantageous to the district, by its supervisors, or the court of jurisdiction.

Sec. 39. When a maintenance tax shall have been voted in any district entitled to the benefits of this Act, the taxing authorities of such district shall thereafter levy and cause to be assessed and collected taxes upon the real property of such district, based upon the net benefits thereto contemplated to be accomplished through the plan of reclamation, to an amount not exceeding the specific sum voted, and the vote in such cases may be for a specific sum, or not to exceed a specific sum. The proceeds of such taxes shall be used for the maintenance, upkeep, repairs and additions to the levees and other improvements in the district, and for no other purposes. The right to levy such taxes shall remain in force until abrogated, in whole or in part, by another election; but elections upon the question of the repeal or reduction of maintenance taxes shall not be held oftener than every five years.

Sec. 40. The secretary of the board of supervisors of levee improvement districts shall be ex officio tax assessor for such districts, and it shall be his duty when any tax is levied, at the expense of the district, to prepare a tax roll in form substantially as the assessment roll made up by county tax assessors, except that instead of ad valorem valuation it shall state net benefits assessed against property, and he shall compute against each piece of property the amount of taxes assessed against it, and enter on such roll the amount of such taxes. A certified copy of such roll, in so far as it appertains to each county in which any portion of the district is located, shall be filed with the tax collector of such county.

Sec. 41. The tax collectors of the several counties shall be charged with the assessment rolls of levee improvement districts, and are required to make collections of all taxes levied and assessed against property within such district, and promptly pay over the same to the treasurer of the district; and the bonds of such collector shall stand as security for the proper performance of their duties as tax collectors of such levee improvement districts, or, if in the judgment of the super-

visors of such district it be necessary, additional bonds, payable to such districts, may be required, and any collector failing to act hereunder or failing to give the additional bond required, shall be deemed guilty of malfeasance in office and shall be suspended from office by the commissioners' court of his county, and may be removed from office in the mode prescribed by law; and in case of suspension the boards of supervisors may appoint special collectors for their respective districts and require such security of them as may be deemed proper, and the persons so chosen shall have and exercise within and for the district all the rights and powers which tax collectors have or may have by law in their respective counties.

Sec. 42. Tax collectors of levee improvement districts shall perform all duties and exercise all powers in respect to delinquent taxes due levee improvement districts as may be provided by law for the collection of delinquent State and county taxes, and the collection of such delinquent levee improvement district taxes and sales of property therefor shall be governed by the laws applying to the collection of delinquent State and county taxes. Taxes levied under this Act shall be a lien upon the property against which they are assessed, and shall be payable and shall mature and become delinquent as may be provided by law for State and county taxes, and upon failure to pay such taxes when due the same penalty shall accrue and be collected as may be provided by law in case of non-payment of State and county taxes.

Sec. 43. The county treasurer of the county, the commissioners court of which has jurisdiction, shall be treasurer of all levee improvement districts of which such court has jurisdiction, and as such shall execute a good and sufficient bond, payable to the levee improvement district, in a sum equal to one and one-fourth of the taxes contemplated to be paid over in any one year, or such other or further amount as the board of supervisors of the district may require, which bond shall be conditioned for the faithful performance of the duties of the principal as treasurer of the levee improvement district, and shall be approved by the board of supervisors of such district.

Such bond may be made by any guaranty or surety company approved by the board of district supervisors, and premiums therefor may be paid out of the maintenance fund of the district. The treasurer, as compensation for his services, shall be allowed not exceeding one-fourth of one per cent upon sums received by him by and on behalf of such levee improvement district.

Sec. 44. It shall be the duty of the county treasurer whose commissioners court has jurisdiction, as treasurer of the levee improvement district, to open an account with each such district and to keep an accurate account of all moneys received by him belonging to such district, and all moneys paid out by him. He shall pay out no money except upon a voucher signed by two of the district supervisors and countersigned by the county judge, and he shall carefully preserve all orders for the payment of money; and as often as required by the said district supervisors or the commissioners court he shall render a correct account to them on all matters pertaining to the financial condition of such district.

Sec. 45. Where the county, whose commissioners court may have jurisdiction of any levee improvement district, has a depository, such county depository shall be the depository of the funds of the levee improvement district, and where such county has no depository then it shall be the duty of the board of supervisors of the levee improvement district to select a depository as depositories are selected for counties; and the laws applying to county depositories shall apply and govern in such cases.

Sec. 46. For all services performed by any officer or individual under this Act, the compensation for which is not expressly provided for, such officer or individual shall receive the same compensation as he would for like services if rendered as an officer of a county. Clerks recording orders hereunder shall receive the same compensation as would a county clerk for recording deeds, and persons posting notices hereunder shall receive the same compensation as would a sheriff for posting notices required by law to be posted by him officially.

Sec. 47. Contracts for making and constructing levees and other improvements and all necessary work

in connection with any levee improvement district shall be let by the district supervisors to the lowest bidder, after giving notice by advertising the same in one or more newspapers of general circulation in the State of Texas once a week for three consecutive weeks, and by posting notices for at least three weeks in five public places in the county of jurisdiction, one of which shall be at the court house door, and at least two of which shall be within said district; and the contract for such levees and other improvements may be let in separate sections or parcels, or all together; provided, that all the improvements included in the plan of reclamation as approved by the State Reclamation Engineer shall be constructed; provided further, that such work may be let without advertisement upon contracts approved jointly by the district supervisors and the county judge of the county whose commissioners court has jurisdiction.

Sec. 48. The person, firm or corporation to whom such contract is let shall give bond, payable to the district, in such amount as the board of supervisors may determine, not to exceed the contract price, conditioned that he, they or it will faithfully perform the obligations, agreements and covenants of such contract, and that in default thereof they will pay to said district all damages sustained by reason thereof. Such bond shall be approved by the supervisors and shall be deposited with the depository of the district, a true copy thereof being retained in the office of the secretary of the board of supervisors.

Sec. 49. All work included in the contract shall be done in accordance with the specifications under the supervision of the supervisors and the district engineer. As the work progresses the engineer of such district shall make report to the supervisors, showing in detail whether the contract is being complied with, and when the work is completed he shall make a detailed report of same to the supervisors, showing whether or not the contract has been fully complied with according to its terms, and if not in what particular it has not been so complied with.

Sec. 50. The supervisors shall, during the progress of the work under contract, inspect the same; and upon the completion of any work in accordance with the contract, they

shall draw a warrant on the treasurer of the district for the unpaid amount of the contract price in favor of the contractor. Payments pending the work shall not exceed in the aggregate eighty-five per cent of the contract price of the work done, the said amount of work completed to be shown by estimates of the engineer of the district.

Sec. 51. Levee improvement districts created under this Act, or entitled to its benefits, shall each have a common seal which shall be circular in form, with the name of the district within the circle, with a star of five points in the center; and such district may sue and be sued in the courts of this State in and by their corporate names, and all courts of this State shall take judicial notice of their existence.

Sec. 52. From and after the taking effect of this Act it shall be unlawful for any levee improvement district, whether it proposes to construct its levees or other improvements with or without the issuance of bonds, to construct, to undertake to construct, or maintain any levee or other improvements, without first obtaining the approval by the State Reclamation Engineer, as provided in this Act, of the plans for such levees or other improvements; and in the event any such levee improvement district undertakes to construct, constructs or maintains any levee or other improvements, without first obtaining the approval of the State Reclamation Engineer of the plans for the same, as provided in this Act, it shall be the duty of the Attorney-General, on the request of the State Reclamation Engineer, to file suit in one of the district courts of Travis County, Texas, in which the venue of such suits is hereby fixed, to enjoin the construction or maintenance of such levee or other improvement.

Sec. 53. From and after the taking effect of this Act it shall be unlawful for any person, corporation or levee improvement district, without first obtaining the approval of plans for the same by the State Reclamation Engineer, to construct, attempt to construct, cause to be constructed, maintain or cause to be maintained, any levee or other such improvement on, along or near any stream of this State which is subject to floods, freshets or overflows, so as to control, regulate or other-

wise change the flood waters of such stream; and any person, corporation or district violating this section of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both fine and imprisonment; and each day any such structure is maintained or caused to be maintained shall constitute a separate offense. And in the event any such structure is about to be constructed, is constructed, or maintained by any person or corporation without approval of the plans by the State Reclamation Engineer, it shall be the duty of the Attorney-General on the request of the State Reclamation Engineer, to file suit in one of the district courts of Travis County, in which the venue of such suits is hereby fixed, to enjoin the construction or maintenance of such structure. Provided, that the provisions of this section shall not apply to dams, canals or other improvements made or to be made by irrigation, water improvements or irrigation improvements made by individuals or corporations.

Sec. 54. If any levee improvement district heretofore created or that hereafter may be created shall find, at any time prior to the sale of its bonds or final lending of its credit in other form, that the proposed undertaking for any reason is impracticable or apparently cannot be successfully carried out, the commissioners court is hereby authorized to abolish such district upon petition signed by the owners of a majority of the acreage in the district, praying for the dissolution of such district, setting forth the reasons therefor, and accompanied by a deposit of fifty dollars. Such petition shall be set for hearing, notice of such hearing shall be given, the hearing thereon shall be held, and the expense thereof paid out of said deposit, all in conformity with the procedure prescribed in this Act in connection with the petition for the establishment of the district; and the commissioners court shall have the same powers with respect to the abolition of such districts that it has with respect to their creation. If upon the hearing it shall appear to the court that such district should

be abolished, the court shall so find and shall render judgment reciting such finding, and by its orders entered of record declare and decree such district abolished, and appoint the chairman of the supervisors or some other suitable person as trustee to close up its affairs without delay; the term and compensation of such trustee to be at the pleasure of the said court. If the court should not so find, it shall dismiss the petition at the cost of the petitioners, and enter such finding of record. Where any taxes have been levied and collected in the name of the district in anticipation of an issue of bonds, such taxes, so far as unexpended, shall in the event of dissolution of the district as herein provided, and on order of the commissioners court duly entered, be returned to the taxpayers ratably, after deducting the compensation of the assessor, collector and treasurer in connection therewith, and any other claims properly chargeable against such taxes; proper receipt for all sums so refunded to be taken and filed by the treasurer.

Sec. 55. If it should develop that the works and improvements set out in any plan of reclamation adopted by or on behalf of a levee improvement district are found insufficient, to reclaim in whole or in part any or all of the lands and other property within the district, or if extensive repairs or additions to such works are deemed necessary, then in respect thereto the board of supervisors of the district, upon petition of the owners of a majority of the acreage of the district, may proceed in all respects to provide additional funds for such additional works, in accordance with the provisions of this Act, in respect to the original plan of reclamation, and may, under like limitations, create additional indebtedness or issue additional bonds, but always subject to every limitation in respect to such original proceedings, as well as the approval of the new or amended plan of reclamation by the State Reclamation Engineer.

Sec. 56. Whenever at any time after three years from the completion of any plan of reclamation the owners of twenty-five per cent, or more, of the acreage of the lands within any levee improvement district shall file a petition with the board of supervisors of such district, alleging

that previous assessments of benefits are inequitable and praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of taxes, the board of supervisors shall set a day for a hearing of said petition and cause notice of such hearing to be issued by the secretary of the board and to be posted in all respects as in the case of an original hearing, and at the time and place set for the hearing the board of supervisors shall proceed to hear such petition and proof for or against the same, and if it finds that there has been a material change in values of property in the district, or that for other reasons the last previous assessment of benefits is inequitable, it shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a more equitable basis of taxation for all purposes within such district, and, thereupon, it shall proceed to appoint commissioners of appraisal as in the first instance, which commissioners shall proceed in all respects as in the first instance, and with all the powers, rights, privileges and duties, both to the commissioners and persons interested, and such commissioners shall finally make their findings and enter their judgment and decree in the matter, which thereafter shall be the basis of the assessment of taxes within and for the district.

Sec. 57. If the supervisors of any levee improvement district or any person or corporation whose interests are affected thereby, be dissatisfied with the action of the State Reclamation Engineer in finally approving or disapproving any plan of reclamation for such district, the district or person or corporation dissatisfied may within fifteen days after such final action, file suit in the district court of the county whose commissioners court has jurisdiction of the district in question, against the State Reclamation Engineer, and to which suit the district shall be made a party defendant, if the suit be on behalf of any other complaining person or corporation. The petition shall set forth the cause or causes of objection and show wherein the interests of the petitioner are injuriously affected by the action of the State Reclamation Engineer complained of. Process shall issue as in other cases and the case shall

have preference of trial in the court wherein it is filed, and upon final hearing the court shall render its judgment and decree approving or disapproving of the plan of reclamation, in whole or in part, as it may find to be equitable and just; and such judgment shall stand for the action of the State Reclamation Engineer in such matters. There may be an appeal, as in ordinary cases, from the judgment of the trial court, which appeal shall have preference of hearing in the Court of Civil Appeals, the judgment of which in the matter shall be final, and shall stand for the action of the State Reclamation Engineer in respect to the matters at issue in such suit.

Sec. 58. Any person or persons who shall wrongfully or purposely cut, injure, destroy, or in any manner impair the usefulness of any levee or other reclamation improvement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period of not exceeding one year; or by both such fine and imprisonment.

Sec. 59. Any person or persons who shall wilfully destroy or deface any corner, line, mark, bench mark or other object fixed or established in connection with the work herein authorized, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period of not less than thirty days, or by both such fine and imprisonment.

Sec. 60. In all matters not herein provided for levee improvement districts created hereunder shall be governed by the provisions of Chapter 146 of the General Laws of the Regular Session of the Thirty-fourth Legislature, authorizing the commissioners courts of counties to establish levee improvement districts, and amendments to such law, save that in no instance except as is specially required or permitted in this Act shall it be necessary for any county judge to approve any contract made by a board of supervisors.

Sec. 61. Levee improvements districts heretofore organized under any law of this State having for their objects the reclamation of lands through

a system of levees and drainage, whether denominated levee improvement districts or not, may become entitled to and may hereafter exercise all the rights, powers and privileges conferred by this Act upon districts created under it, and to all of the enlarged powers which may be conferred under Section 59, Article 16, of the Constitution of this State, by proceeding as follows:

Sec. 62. Whenever the owners of a majority of the acreage of any district mentioned in the preceding section shall present to the commissioners court of the county in which such district is located their petition praying that a hearing be ordered to determine whether such district may avail itself of the provisions of this Act, it shall be the duty of the court to fix a time and place of such hearing, and cause notice thereof to be given, substantially in all respects as notice of the hearing upon the matters of the formation of a district under this Act, and at the time and place of such hearing the court shall proceed to hear and determine the issues presented by the petition and evidence for and against the same, and if it finds that the interests of the district in question would be promoted by granting the prayer of the petition it shall so decree and enter its judgment of record, declaring it to be to the interest of such district that it avail itself of all the rights, powers and privileges conferred by this Act upon districts created under it, and that the district on behalf of which the petition is filed shall thereafter be entitled to and may exercise all rights, powers and privileges conferred by this Act upon districts created by it, and thereafter such district shall have and may exercise all such rights, powers and privileges as if created under this Act, and thereafter it shall proceed in all things as it would if created hereunder, but such decree shall not in any respect injuriously affect any financial liability of such district.

Sec. 63. Nothing contained in this Act shall be construed to repeal any law upon this subject passed at the Fourth Called Session of the Thirty-fifth Legislature, but any such law shall be deemed cumulative.

Sec. 64. The fact that the present laws regulating the reclamation of lands, for the construction of levees to restrain and regulate the flood waters of streams, are insufficient and inade-

quate to effect the full purposes of reclamation, and the fact that this session of the Legislature is necessarily brief, so that because of other pressing matters to be considered this Act would probably fail of passage if required to follow the usual rule, and the further fact that there is a great, urgent and pressing necessity for the conservation of the natural resources of this State in the manner herein contemplated, create an emergency and an imperative public necessity for the prompt enactment of legislation along the lines herein indicated;

Therefore, it is further enacted that the constitutional rule requiring bills to be read on three days be and hereby is suspended, and that this Act take effect and be in force from and after its passage.

Committee Room,
Austin, Texas, March 23, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 1, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:30 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Hopkins, Westbrook, S. B. No. 1.
Alderdice, Buchanan of
Scurry, Clark, Smith,
Decherd, Latimore.

An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of the State of Texas, 1911, and to provide the manner in which state funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State depositories, and the manner and means of selecting and for the qualification of such State depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Chapter 1, of Title 44, embracing Articles 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430,

2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, and 2439, of the Revised Civil Statutes of 1911, be amended so as to hereafter read as follows:

Chapter 1. State Depositories.

Article 2417. The State Treasurer, the Attorney General, and the Commissioner of Insurance and Banking, are hereby constituted the State Depository Board, and any two of such members shall constitute a quorum. The State Treasurer shall also perform the duties of secretary of the board.

Article 2418. It shall be the duty of the State Treasurer, between the first and fifth days of January next after each general election, to mail to each State and National bank doing business in this State a circular letter soliciting bids for keeping State funds, for a term of two years next after the succeeding March 1, upon the conditions prescribed in this chapter. Said circular letter shall state the conditions to be complied with by the bidders, as herein-after provided, and what each bid shall set forth. The State Treasurer shall make three certified lists of the banks to which such letter was mailed, each to be accompanied by a copy of such letter, one of which he shall deliver to the Attorney General, one to the Commissioner of Insurance and Banking, and the other he shall keep on file in his office for the inspection of any person desiring to see the same.

Article 2419. Said bids shall state the amount of paid up capital stock of said bank, the maximum of State funds it will accept, the rate of interest it will pay on the average daily balances to the credit of the State Treasurer in such bank, and shall contain a provision that the books and accounts of such bank, if designated as a State depository, shall be open at all times, to the inspection of the State Depository Board, any member, or any accredited representative thereof.

Said bid shall be sealed in a strong envelope, marked "Bid for the safe keeping of State funds," and shall be mailed to the State Treasurer in time to reach his office on or before noon of the succeeding Monday in February.

Article 2420. When the State Treasurer receives such bids he shall endorse thereon the date of receipt

of same, and shall on the first Monday in February open the same in the presence of the State Depository Board; and thereupon said board shall make a list of said banks, in the order of the rate of interest offered; that is, the bank offering the highest rate of interest shall be listed first, the one offering the next highest rate next, and so on until all such banks are listed, provided that said board may reject any or all bids, and no bid for less than three per cent on the average daily balance of State funds shall be considered.

Article 2421. In case at any time the banks being used as State depositories, as provided in this chapter, are not sufficient to handle all the funds of the State, and no other bank that has offered an accepted rate of interest has qualified according to the provisions of this chapter, then such board may cause the State Treasurer to send out a circular letter embodying the requirements prescribed in Article 2418 above, to all authorized banks to bid not then acting as State depositories, giving the date when bids must be in the hands of the State Treasurer, which shall not be less than twenty days nor more than thirty days from the date of mailing such letter, and bids shall be received, and opened, on the date set out in said letter, in the same manner and upon the same conditions, and a list of the banks bidding shall be made in the order of the rates of interest offered, as provided in the preceding article.

Article 2422. After such list has been made said board shall select from the list the number of banks offering the highest rate of interest on average daily balances that will, in the judgment of said board be necessary to keep all State funds, and notify them to qualify as prescribed in this chapter; and if, at any time, it should develop that more depositories are required, said board shall select another list of banks next in order on said list and notify them to qualify as depositories under this chapter, or, in its discretion, said board may advertise for bids as provided in the preceding article.

Article 2423. When a bank has been notified to qualify as a depository it shall, within thirty days after such notice, deposit with the State Treasurer, in an amount one-fifth greater than the maximum amount

of State funds said bank proposes to keep, United States, State, Federal Farm Loan Bank located in Texas, county independent school district, common school district, or municipal bonds, or vendor's lien or mortgage lien notes, secured by a first lien on real estate of value at least double the amount of said notes, exclusive of improvements; or shall execute a bond signed by some surety company, authorized to do business in Texas in an amount not less than double the amount of State funds deposited in said bank, said bond to be payable to the State Treasurer and to be in such form as may be provided by the depository board and subject to the approval of said board, but before any State, county, independent school district, common school district or municipal bonds or vendor's lien or mortgage notes shall be received as collateral security, they shall be submitted to the Attorney General and by him approved, and such bonds shall be registered under the same rules and regulations as are required for bonds in which the permanent school funds are invested, and provided that such bonds shall be worth not less than par. In case vendor's lien or mortgage notes are deposited, the bank offering the same for deposit shall furnish abstracts of title and pay to the Attorney General a reasonable compensation for investigating the title to and value of the land securing the payment of such notes, which shall be deposited in the State Treasury and be subject to the same rules as other fees collected by the Attorney General. Provided that a bond executed by any surety company may in its discretion be rejected by the board whenever in the judgment of said board the same should be rejected, and the action of the board in rejecting said bond shall not be subject to revision.

Article 2424. In case any bank that has submitted a bid for keeping State funds shall fail to qualify within thirty days after being notified to do so, it shall forfeit to the State, as liquidated damages, the difference between the interest rate offered and the lowest rate of interest the State is compelled to receive on its funds, under the provisions of this chapter for six months, on the full amount that said bank proposed to keep, provided that no bank shall be com-

pelled to qualify, or be subject to any penalty, that was not notified to qualify within four months after the bid was opened.

Article 2425. After the depositories have qualified as provided in the preceding articles, it shall be the duty of the State Treasurer to deposit the funds belonging to the State in such depositories, and he shall at all times keep the funds in the bank or banks in the order of the rate of interest offered, so that the State shall receive the highest rate of interest possible on such funds provided that the depositories selected in the beginning of a biennium shall retain their preference over depositories subsequently selected. No depository shall be entitled to keep on deposit more than its paid up capital stock, and permanent surplus. If the State Treasurer shall fail to deposit said funds in accordance with the provisions of this chapter, he shall be liable to the State for five per cent a month on the funds he fails to deposit; provided that he may retain in the State Treasury, from time to time with the express consent of said board, sufficient funds to meet the current demands on the Treasury.

Article 2426. The securities above mentioned shall be delivered to the State Treasurer and receipted for by him, and retained by him in the vaults of the State treasury and if, in any case or at any time, such bonds are not satisfactory security, in the opinion of the State Depository Board, for the deposits made under this chapter, they may require such additional security to be given as will be satisfactory to them; and said State Depository Board shall, from time to time, inspect such bonds and see that the same are actually kept in the vaults of the State Treasury; and in the event that said bank or banks selected as State depositories shall fail to pay such deposits or any part thereof, on the check of the State Treasury, he shall have power to forthwith convert such bonds into money, and disburse the same according to law upon the warrants drawn by the State Comptroller upon the funds for which said bonds are security. Any bank making deposit of bonds with the State Treasurer under the provisions

of this chapter may cause such bonds to be endorsed or stamped, as they may deem proper, so as to show that they are deposited as collateral, and are not transferable, except upon the conditions of this chapter.

Article 2427. Any State Depository receiving State funds under the provisions of this chapter shall pay to the State Treasurer at the end of each month, interest on the average daily balances for said month at the rate of interest agreed on, which shall in no event be less than the rate of three per cent per annum, which interest shall become part of the general revenue.

Article 2428. All officers of this State charged with the duty of remitting to the State Treasurer, State funds, or who shall come into possession of State funds, or any other funds required to be kept in the State Treasury, instead of remitting same to the State Treasurer, as is now required by law, may cause the same to be deposited in the State Depository designated by the State Treasurer, and shall require of said depository a triplicate receipt therefor, one of which shall be preserved by the party so depositing said State funds, and the others shall be forwarded to the Treasurer of the State of Texas and Comptroller, respectively, whose duty it shall be also to keep with each State Depository an account showing a true and correct statement of the account of said depository with the State of Texas, and the balance on hand in each at the close of each day's business.

Article 2429. If any State Depository shall receive, or have on hand, State funds in excess of the amount of deposit awarded it under the provisions of this Act, said State depository shall remit forthwith, on the first business day of the next month, or oftener if required by the State Treasurer, said excess to the Treasurer of the State of Texas; and, in case any State depository shall fail or refuse to remit this excess, it shall forfeit its right to act as State depository; and the State Treasurer shall, at once, close his account with said depository, notify all collectors and others charged with the duty of collecting public funds for the State of Texas, and the Attorney General of the State shall cause such action to be taken, if any, as may be

necessary to protect the State's interest in the premises.

Article 2430. Any person whose duty it is to pay over to the State of Texas any money belonging thereto, may pay the same to the State Treasurer, or he may remit the same to, or deposit the same in any State depository designated by the State Treasurer, which is then authorized to act as a State depository under this chapter, but, in case the party is a non-resident of the State of Texas, said money so due, or to become due, shall be remitted direct to the State Treasurer at Austin. In any event said money, or any money due the State of any of its funds, may be sent by registered letter in due course of mail, by postoffice money order, express money order of any company authorized to do business in Texas, or by bank draft on any incorporated State or National bank authorized to do business in Texas; but in such cases, the liability of the person sending the same shall not cease until said money is actually received by the State Treasurer or State Depository, in due course of business.

Article 2431. The said Depository Board of the State of Texas shall have the right to make such rules and regulations governing the establishment and conducting of State depositories and State funds therein, as the public interest may require, not inconsistent with this chapter; which said rules and regulations shall be in writing and entered upon the minutes of said board.

Article 2432. All State funds shall be deposited in State depositories designated under this chapter, subject to the limitations of this chapter; provided, that the State Treasurer, with the consent of said board, is authorized to keep and retain, in the State Treasury at Austin, sufficient funds to meet the current expenses of the government in case he finds it advisable so to do.

Article 2433. If any officer, charged with the duty of depositing State funds, or who shall come into possession of State funds, shall refuse to deposit the same in the State Treasury, or in a depository authorized to receive the same in accordance with this chapter, he shall be liable on his official bond therefor and for interest on the amount he has failed to so deposit, at the rate of five per cent per month, at the suit of the State, and such conduct shall be cause for his removal from office.

Article 2434. Any bank designated as

a State Depository shall continue to act as such until March first succeeding the next biennial inauguration of the State Treasurer after its designation, and until the undertaking of its successor has been accepted by the proper authority; provided, however, that in case any such institution shall fail and refuse to qualify as such depository within thirty days next after its bid for State funds has been accepted, in the manner provided for in this chapter, or, in case it shall fail and refuse to comply with any of the conditions of this chapter, or fail to discharge any of the duties thereunder, it shall be considered a just cause for forfeiting its rights to act as said depository; and, in such case, the proper authorities shall be authorized to withdraw all State funds from such institution at any time after ten days' notice of such intention.

Article 2435. It shall be the duty of the State Treasurer to keep the State funds in the banks or banking institutions paying the highest rate of interest, and to maintain, as nearly as possible, a fair and equal balance of moneys on hand in all State Depositories paying the same rate of interest in proportion to the amount each is entitled to receive, by drawing warrants alternatively thereon or by apportioning the warrants so drawn. The State Depository Board is hereby authorized and empowered whenever there may be excess funds in the State Treasury for which there is no immediate use, to subscribe for such amount of United States Treasury Certificates of Indebtedness as their judgment may dictate, and the interest earned thereon shall be carried into the Treasury to the credit of the general revenue fund.

Article 2436. All State Depositories shall collect, without cost to the State, all checks, drafts and demands for money, and on demand of the State Treasurer shall issue to him or his order, free of charge, a draft or exchange on any bank in this State, designated by the United States or State authorities as a "Reserve Bank," which draft may be in any sum stated by the State Treasurer not exceeding the amount of the State deposit in said depository, provided that the State Treasurer shall give to such depository ten days notice of his intention to draw on the funds therein before drawing more than one-fifth of the amount said

depository is entitled to keep, but this provision shall not apply to deposits made during the preceding thirty days.

Article 2437. It shall hereafter be and is hereby made the duty of every person, whether public official or not who comes into the possession of any funds belonging to the State, to deposit the same daily in the State Treasury, or the State Depository designated by the State Treasurer, to furnish to the State Treasurer a statement showing the source from which such funds were derived, and if he fails to make such deposit he shall forfeit to the State five per cent per month as liquidated damages for such failure, and shall be subject to all other penalties now prescribed by law.

Sec. 2. That Articles 2437, 2438 and 2439 of the Revised Statutes of 1911, and all laws or parts of laws in conflict herewith, are hereby repealed.

Sec. 3. The fact that the depository laws of the State of Texas are inadequate to meet present conditions creates an emergency and imperative public necessity calling for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule should be and the same is hereby suspended, and this Act shall take effect from and after its passage.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Monday, March 25, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Robbins.
Floyd.	Smith.